1. CENTURY BUSINESS PARK LLC (Applicant)

Property Owner (if different from applicant) Same

06-7-CZ11-1 (05-274) Area 11/District 11 Hearing Date: 7/6/06

	e an option to purchase ? Yes □ No ☑	□/lease □ the property predicated on	the approval of	of the zoning	
Disclos	ure of interest form attac	ched? Yes ☑ No □			
Previous Zoning Hearings on the Property:					
<u>Year</u>	Applicant	Request	Board	Decision	
1984	N. T. A. Properties	Zone change from GU to IU-C.	всс	Approved w/conds.	

Action taken today does not constitute a final development order, and one or more concurrency determinations will subsequently be required. Provisional determinations or listings of needed facilities made in association with this Initial Development Order shall not be binding with regard to future decisions to approve or deny an Intermediate or Final Development Order on any grounds.

DEVELOPMENTAL IMPACT COMMITTEE RECOMMENDATION TO COMMUNITY ZONING APPEALS BOARD No. 11

APPLICANT: Century Business Park PH: 05-274

SECTION: 9-55-39 **DATE**: July 6, 2006

COMMISSION DISTRICT: 11 ITEM NO.: 1

A. INTRODUCTION

o **REQUESTS**:

(1) IU-C to BU-1A

OR IN THE ALTERNATIVE

(2) GU to BU-1A

REQUEST #1 & #2 on Parcel A

(3) GU and IU-C to RU-3M

REQUEST #3 on Parcel B

- (4) GU and IU-C to RU-1M(a)
- (5) Applicant is requesting to permit lots with 0' frontage (50' required) on a public street, and to permit access to a public street by means of a private drive.

REQUEST #4 & #5 on Parcel C

- (6) Applicant is requesting to waive the zoning regulation requiring half section line rights-of-way to be 70' wide; to permit 0' of dedication (35' required) for the west half of SW 152 Avenue.
- (7) Applicant is requesting to waive the zoning regulation requiring section line rights-of-way to be 80' wide; to permit 0' of dedication (40' required) for the east half of SW 157 Avenue.
- (8) Applicant is requesting to waive the Kendall Tamiami Executive Airport Inner District Zone (ILZ) regulation which prohibits residential uses within the ILZ; to permit single family and townhouse residences within the ILZ zone.
- (9) Applicant is requesting to waive the Kendall Tamiami Executive Airport Outer Safety Zone (OSZ) regulation limiting residential units to less than two per acre; to permit single family and townhouse residences at more than two units per acre.

Upon a demonstration that the applicable standards have been satisfied, approval of requests #5-#9 may be considered under §33-311 (A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

Plans are on file and may be examined in the Zoning Department entitled "Century Gardens/Plan 'A'," as prepared by Pascual Perez Kiliddjian & Associates, Sheets SP-1 — SP-4

& Sheets L-1 — L-4 dated stamped received 5/11/06 and remaining sheets dated stamped received 5/3/06, totaling 61 sheets and plans entitled "Century Gardens/Plan 'B'," as prepared by Pascual, Perez, Kiliddjian & Associates, consisting of 60 sheets dated stamped received 5/31/06 are also on file. Plans may be modified at public hearing.

SUMMARY OF REQUESTS:

The applicant is requesting a zone change from IU-C, Controlled Industrial District, to BU-1A. Limited Business District (Option 1), or in the alternative, a zone change from GU. Interim District. to BU-1A. Limited Business District (Option 2), and with both requests a zone change from GU, Interim District, and IU-C, to RU-3M, Minimum Apartment House District, and from GU and IU-C, to RU-1M(a), Modified Single-Family Residential District in order to develop a 67.8acre parcel of land with a shopping center, single-family residences and townhouses. In conjunction with said request, the applicant seeks to permit lots with 0' frontage (50' required) on a public street and to allow access to a public street by means of a private drive, to waive the zoning regulation requiring half section line rights of way to be 70' wide in order to permit 0' of dedication (35' required) for the west half of SW 152 Avenue, and to waive the zoning regulation requiring section line rights of way to be 80' wide in order to permit 0' dedication (40' required) for the east half of SW 157 Avenue. As part of this application, a request to waive the Tamiami Kendall Executive Airport Inner District zone regulation, which prohibits residential uses within the (ILZ) zone and a request to waive the Tamiami Kendall Executive Airport Outer Safety Zone (OSZ) regulation limiting residential units to less than two per acre. The subject property is located on the northeast corner of SW 157 Avenue and SW 120 Street and is surrounded by an RU-1 zoned single-family residential district to the north, the Kendall-Tamiami Airport to the south, a vacant IU-C zoned parcel to the east, and GU zoned vacant properties to the west.

- LOCATION: Lying in the northeast corner of SW 157 Avenue and SW 120 Street, Miami-Dade County, FL.
- o **SIZE:** 67.8 acres
- o IMPACT:

The proposed rezoning would allow the applicant to provide additional housing in the area, however, said uses would bring additional traffic and activity to the surrounding community and would impact public services.

B. ZONING HEARINGS HISTORY:

In 1984, pursuant to Resolution Z-193-84, the Board of County Commissioners approved a zone change from GU, Interim District, to IU-C, Industrial-Conditional District.

C. NEIGHBORHOOD CHARACTERISTICS:

SUBJECT PROPERTY EXISTING ZONING

EXISTING LAND USE PLAN DESIGNATION

GU & IU-C; vacant land Business and Office

<u>NORTH</u>	RU-1; single-family residences	Low Density Residential, 2.5 to 6 dua
<u>SOUTH</u>	GU;Kendall-Tamiami Airport	Transportation
<u>EAST</u>	IU-C; vacant land	Industrial and Office
<u>WEST</u>	GU; vacant land	Industrial and Office

The subject property is located in the West Kendall area of Miami-Dade County. Single-family homes, townhouses and neighborhood retail uses characterize the area where the subject property lies. The Kendall-Tamiami Airport lies to the south and a number of vacant, industrial districts are found to the east and west of the subject property.

D. SITE AND BUILDINGS: As determined by the Department of Planning and Zoning

Scale/Utilization of Site:
Location of Buildings:
Compatibility:
Landscape Treatment:
Open Space:
Buffering:
Unacceptable
Unacceptable
Unacceptable
Unacceptable
Unacceptable

Access: Unacceptable
Parking Layout/Circulation: Unacceptable
Visibility/Visual Screening: Unacceptable

Energy Considerations: N/A
Roof Installations: N/A
Service Areas: N/A

Signage: N/A

Urban Design: Unacceptable

E. PERTINENT REQUIREMENTS/STANDARDS:

Section 33-311(F) District Boundary Changes

In evaluating an application for a **district boundary change**, the Board shall take into consideration, among other factors the extent to which the development permitted by the application if granted:

- (1) Conform to the Comprehensive Development Master Plan for Miami-Dade County, Florida; is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered;
- (2) Will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment; and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development;

- (3) Will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;
- (4) Will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction;
- (5) Will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways.

Section 33-311(A)(14) Alternative Site Development Option for Single Family and Duplex Dwellings

- (d) The lot area, frontage, or depth for a single family or duplex dwelling shall be approved upon demonstration of at least one of the following:
 - (1) the proposed lot area, frontage or depth will permit the development or redevelopment of a single family or duplex dwelling on a parcel of land where such dwelling would not otherwise be permitted by the underlying district regulations due to the size or configuration of the parcel proposed for alternative development, provided that:
 - A. the parcel is under lawful separate ownership from any contiguous property and is not otherwise grandfathered for single family or duplex use; and
 - B. the proposed alternative development will not result in the further subdivision of land; and
 - C. the size and dimensions of the lot are sufficient to provide all setbacks required by the underlying district regulations; and
 - D. the lot area is not less than ninety percent (90%) of the minimum lot area required by the underlying district regulations; and
 - E. the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity; and
 - F. the parcel proposed for alternative development is not zoned AU or GU, nor is it designated agricultural or open land under the Comprehensive Development Master Plan; and
 - G. sufficient frontage shall be maintained to permit vehicular access to all resulting lots.
 - (2) the proposed alternative development will result in open space, community design, amenities or preservation of natural resources that enhances the function or aesthetic character of the immediate vicinity in a manner not otherwise achievable through application of the underlying district regulations, provided that:

- A. the density of the proposed alternative development does not exceed that permitted by the underlying district regulations; and
- B. the size and dimensions of each lot in the proposed alternative development are sufficient to provide all setbacks required by the underlying district regulations, or, if applicable, any prior zoning actions or administrative decisions issued prior to the effective date of this ordinance (August 2, 2002); and
- C. each lot's area is not less than eighty percent (80%) of the lot area required by the underlying district regulations; and
- D. the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity; and
- E. the parcel proposed for alternative development is not zoned AU or GU, nor is it designated agricultural or open land under the Comprehensive Development Master Plan; and
- F. sufficient frontage shall be maintained to permit vehicular access to all resulting lots.
- (3) the proposed lot area, frontage or depth is such that:
 - A. the proposed alternative development will not result in the creation of more than three (3) lots; and
 - B. the size and dimensions of each lot are sufficient to provide all setbacks required by the underlying district regulations; and
 - C. no lot area shall be less than the smaller of:
 - 1. ninety percent (90%) of the lot area required by the underlying district regulations; or
 - 2. the average area of the developed lots in the immediate vicinity within the same zoning district; and
 - D. the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity; and
 - E. the parcel proposed for alternative development is not zoned AU or GU, nor is it designated agricultural or open land under the Comprehensive Development Master Plan; and
 - 1. sufficient frontage shall be maintained to permit vehicular access to all resulting lots.
- (g) Notwithstanding the foregoing, no proposed alternative development shall be approved upon demonstration that the proposed alternative development:
 - 1. will result in a significant diminution of the value of property in the immediate

vicinity; or

- 2. will have substantial negative impact on public safety due to unsafe automobile movements, heightened vehicular-pedestrian conflicts, or heightened risk of fire; or
- 3. will result in a materially greater adverse impact on public services and facilities than the impact that would result from development of the same parcel pursuant to the underlying district regulations; or
- 4. will combine severable use rights obtained pursuant to Chapter 33B of this code in conjunction with the approval sought hereunder so as to exceed the limitations imposed by section 33B-45 of this code.
- (h) Proposed alternative development under this subsection shall provide additional amenities or buffering to mitigate the impacts of the development as approved, where the amenities or buffering expressly required by this subsection are insufficient to mitigate the impacts of the development. The purpose of the amenities or buffering elements shall be to preserve and protect the quality of life of the residents of the approved development and the immediate vicinity in a manner comparable to that ensured by the underlying district regulations. Examples of such amenities include but are not limited to: active or passive recreational facilities, common open space, additional trees or landscaping, convenient covered bus stops or pick-up areas for transportation services, sidewalks (including improvements, linkages, or additional width), bicycle paths, buffer areas or berms, street furniture, undergrounding of utility lines, and decorative street lighting. In determining which amenities or buffering elements are appropriate for a proposed development, the following shall be considered:
- A. the types of needs of the residents of the parcel proposed for development and the immediate vicinity that would likely be occasioned by the development, including but not limited to recreational, open space, transportation, aesthetic amenities, and buffering from adverse impacts; and
- B. the proportionality between the impacts on residents of the proposed alternative development and the immediate vicinity and the amenities or buffering required. For example, a reduction in lot area for numerous lots may warrant the provision of additional common open space. A reduction in a particular lot's interior side setback may warrant the provision of additional landscaping.

Section 33-311 (A)(4)(b). Non-use variances from other than airport regulations: Upon appeal or direct application in specific cases, the Board shall hear and grant applications for non-use variances from the terms of the zoning and subdivision regulations and may grant a non-use variance upon a showing by the applicant that the non-use variance maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and provided that the non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of unnecessary hardship to the land is required.

Section 33-311(A)(4)(c) Alternative non-use variance standard. Upon appeal or direct application in specific cases to hear and grant applications from the terms of the zoning and

subdivision regulations for non-use variances for setbacks, minimum lot area, frontage and depth, maximum lot coverage and maximum structure height, the Board (following a public hearing) may grant a non-use variance for these items, upon a showing by the applicant that the variance will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions thereof will result in unnecessary hardship, and so the spirit of the regulations shall be observed and substantial justice done; provided, that the non-use variance will be in harmony with the general purpose and intent of the regulation, and that the same is the minimum non-use variance that will permit the reasonable use of the premises; and further provided, no non-use variance from any airport zoning regulation shall be granted under this subsection.

Section 33-395. Land use zoning classifications for airports.

- (A) Except as otherwise provided in this article, limitations on development of land, structures, and utilization of land within areas designated herein as being restricted due to non-compatibility with aircraft operations are in effect. In situations where land is beneath more than one land use classification the most restrictive shall apply. Restrictions to insure land use compatibility around Kendall-Tamiami Executive Airport are hereby established as follows:
 - (1) Inner District (ILZ). New residential construction and educational facilities, excluding aviation, are not permitted within this land use classification.
 - (5) Outer Safety Zone (OSZ). Residential units are limited to less than two per acre. Educational facilities (excluding aviation schools) and places of public assembly are not permitted.

Section 33-402. Variances.

- (1) Any person desiring to erect or increase the height of any structure, or permit the growth of any tree or otherwise use his property not in accordance with the regulations prescribed in this article may apply to the appropriate zoning board for a variance from such regulations as provided and prescribed under Article XXXVI of Chapter 33, Code of Miami-Dade County, Florida.
- (4) Approval of such variances shall be limited to those cases in which it is duly found that a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but would do substantial justice and be in accordance wit the spirit of this article, and such zoning board is hereby admonished that the intent and purpose of this article, is to promote the health, safety and general welfare of the inhabitants of Miami-Dade County, Florida, by preventing the creation of an airport hazard or of a hazard to air navigation, thereby protecting the lives and property of users of Kendall-Tamiami Executive Airport and of occupants of land in its vicinity and preventing destruction or impairment of the utility of the airport and the public investment therein.

F. NEIGHBORHOOD SERVICES:

DERM No objection
Public Works No objection
Parks No objection
MDTA No objection
Fire Rescue No objection

Century Business Park Z05-274 Page 8

Police

No objection

Schools

Objects - See Exhibit 'A'

Planning and Zoning Aviation

Objects Objects

G. RECOMMENDATION:

Denial without prejudice.

The Executive Council is of the opinion that the proposed zone change and accompanying variances will <u>not</u> be in keeping with the Comprehensive Development Master Plan (CDMP) designation for the subject parcel. In addition, the Executive Council finds that the proposed development is in conflict with the Kendall-Tamiami Executive Airport Inner District zone regulation which prohibits residential development on the subject property and that this development would be incompatible with airport operations. When taking into consideration the reasonableness of the applied for rezoning in relation to the present and future development of the area, the Executive Council finds that the zone change request and accompanying variances would permit a residential development which is <u>inconsistent</u> with the CDMP, will be <u>incompatible</u> with the surrounding area and will be contrary to the public interest.

COMMENTS AND MAJOR CONCERNS

Section 33-303.1(D)(7) of the Code of Miami-Dade County charges the Developmental Impact Committee (DIC) to address applications with respect to: (I) conformance with all applicable plans; (II) environmental impact; (III) impact on the economy; (IV) impact on essential services; and (V) impact on public transportation facilities and accessibility. This application is before the Developmental Impact Committee because the number of units proposed exceeds the DIC threshold of 250 units.

The following comments address these specific charges with regard to the subject application:

I. CONFORMANCE WITH ALL APPLICABLE PLANS

A. APPLICABLE PROVISIONS OF THE COMPREHENSIVE DEVELOPMENT MASTER PLAN

Land Use Objective 5

Upon the adoption of this plan, all public and private activities regarding the use, development and redevelopment of land and the provision of urban services and infrastructure shall be consistent with the goal, objectives and policies of this Element, with the adopted Population Estimates and Projections, and with the future uses provided by the adopted Land Use Plan (LUP) map and accompanying text titled "Interpretation of the Land Use Plan Map", as balanced with the Goals, Objectives and Policies of all Elements of the Comprehensive Plan.

Land Use Element Goal

Provide the best possible distribution of land use and services to meet the physical, social, cultural, and economic needs of the present and future populations in a timely and efficient manner that will maintain or improve the quality of the natural and man-made environment and amenities, and preserve Miami-Dade County's unique agricultural lands.

Land Use Policy 5B

All development orders authorizing a new land use or development, or redevelopment, or significant expansion of an existing use shall be contingent upon an affirmative finding that the development or use conforms to, and is consistent with the goals, objectives and policies of the CDMP including the adopted LUP map and accompanying "Interpretation of the Land Use Plan Map". The Director of the Department of Planning and Zoning shall be the principal administrative interpreter of the CDMP.

Land Use Policy 2A

All development orders authorizing new, or significant expansion of existing, urban land uses shall be contingent upon the provision of services at or above the Level of Service (LOS) standards specified in the Capital Improvements Element (CIE).

Land Use Policy 9M

Miami-Dade County shall develop an urban design manual establishing design guidelines. This manual shall provide additional criteria for use in review of all new residential, commercial and industrial development in unincorporated Miami-Dade County.

The Adopted 2005 and 2015 Land Use Plan designates the subject property as being within the Urban Development Boundary for **business and office**.

Business and Office

This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas. These uses may occur in self-contained centers, high-rise structures, campus parks, municipal central business districts or strips along highways. In reviewing zoning requests or site plans, the specific intensity and range of uses, and dimensions, configuration and design considered to be appropriate will depend on locational factors, particularly compatibility with both adjacent and adjoining uses, and availability of highway capacity, ease of access and availability of other public services and facilities. Uses should be limited when necessary to protect both adjacent and adjoining residential use from such impacts as noise or traffic, and in most wellfield protection areas uses are prohibited that involved the use, handling, storage, generation or disposal of hazardous material or waste, and may have limitations as to the maximum buildable area, as defined in Chapter 24 of the County Code.

Residential uses, and mixing of residential use with commercial, office and hotels are also permitted in Business and Office areas provided that the scale and intensity, including height and floor area ratio of the residential or mixed use development, is not out of character with that of adjacent or adjoining development and zoning, and it does not detrimentally impact, and it provides a sensitive well designed transition to any adjacent or adjoining residentially developed or designated areas of different development intensity. Where these conditions are met residential development may be authorized to occur in the Business and Office category at a density up to one density category higher than the LUP - designated density of the adjacent or adjoining residentially designated area on the same side of the abutting principal roadway, or up to the density of any such existing residential development, or zoning if the adjacent or adjoining

land is undeveloped, whichever is higher. If there is no adjacent or adjoining residential use existing, zoned or designated on the same side of the roadway, the maximum allowable residential density will be that which exists or which this plan allows across the roadway. Where there is no residential use, zoning or designation on either side of the roadway, the intensity of residential development, including height, bulk and floor area ratio shall be no greater than that which would be permitted for an exclusively commercial use of the site. Where SURs are transferred to Business-designated parcels, which are zoned or to be used for residential development the SUR allowances of the Residential section may be used within the limits provided in this paragraph.

Low Density Residential

The residential densities allowed in this category shall range from a minimum of 2.5 to a maximum of 6.0 dwelling units per gross acre. This density category is generally characterized by single family housing, e.g., single family detached, cluster, zero- lot- line and townhouses. It could include low-rise apartments with extensive surrounding open space or a mixture of housing types provided that the maximum gross density is not exceeded.

Low-Medium Density Residential

This category allows a range in density from a minimum of 5.0 to a maximum of 13 dwelling units per gross acre. The types of housing typically found in areas designated low-medium density include single-family homes, townhouses and low-rise apartments. Zero-lot-line single-family developments in this category shall not exceed a density of 7.0 dwelling units per gross acre.

Uses and Zoning Not Specifically Depicted on the LUP Map

Some existing lawful uses and zoning are not specifically depicted on the LUP map. However, all such existing lawful uses and zoning are deemed to be consistent with this Plan as provided in the section of this chapter titled "Concepts and Limitations of the Land Use Plan Map." The limitations referenced in this paragraph pertain to existing zoning and uses. All approval of new commercial locations must be consistent with the LUP map or the specific exceptions provided in the various LUP map categories, and the objectives and policies of this Plan.

Aviation Sub-element

Objective AV-7

Maximize compatibility between airports and the surrounding communities.

Policy AV-7B

Miami-Dade County shall update its airport compatible zoning ordinances to promote compatible land use around Miami International, Homestead Air Reserve Base, Opa-Locka, Kendall-Tamiami Executive, Opa-Locka West, and Homestead General Aviation Airports. These ordinances updates shall be based on the guidelines recommended in the following federal and State documents. Due to operational differences, all listed documents may not pertain to all airports.

(Federal) – Department of Transportation – Federal Aviation Regulation Part 150 Guidelines (Land Use Compatibility)

(Federal) – Department of Transportation – Federal Aviation Regulation Part 77 (Objects affecting Navigable Airspace)

(Federal) – Department of Defense Air Installation Compatible Use Zone Report (AICUZ) for HAFB (August 1988)

(State) - Chapter 333, Florida Statutes, (Airport Zoning)

(State) - Florida Department of Transportation - Airport Compatible Land Use Guidance Manual

Policy AV-7E

To the extent feasible, utilize the CDMP Land Use Element to maximize compatibility of land use around airports, reflecting recommendation in the federal and State guidance documents cited in Policy AV-7B.

Objective AV-8

Maximize support of local and regional economic growth.

Policy AV-8A

The Miami-Dade County Aviation Department, through the continued increase in the capacity of the County's airports to meet the forecast aviation demands, and the State and local governmental economic development entities through their commerce and industry promotion programs should expand the importance of the aviation industry to Miami-Dade County and the regional economy.

Policy AV-8B

When consistent with aviation facility locational objectives for airspace safety and environmental and community compatibility, the Aviation Department shall provide additional facility and operational capacity in the aviation systems in locations that offer greatest potential for expansion of aviation-related economic development and redevelopment in the vicinity and opportunities for aviation-related employment for Miami-Dade County residents.

DEPARTMENT OF PLANNING AND ZONING DIRECTOR'S EVALUATION

The applicant, Century Business Park, is requesting a zone change from IU-C, Controlled Industrial District, to BU-1A, Limited Business District, or in the alternative, a zone change from GU, Interim District, to BU-1A, Limited Business District, and with both requests a zone change from GU, Interim District, and IU-C, to RU-3M, Minimum Apartment House District, and from GU

and IU-C, to RU-1M(a), Modified Single-Family Residential District in order to develop a 67.8-acre parcel of land with a shopping center, single-family residences and townhouses. In conjunction with said request, the applicant seeks to permit lots with 0' frontage (50' required) on a public street and to allow access to a public street by means of a private drive, to waive the zoning regulation requiring half section line rights of way to be 70' wide in order to permit 0' of dedication (35' required) for the west half of SW 152 Avenue, and to waive the zoning regulation requiring section line rights of way to be 80' wide in order to permit 0' dedication (40' required) for the east half of SW 157 Avenue. As part of this application, a request to waive the Tamiami Kendall Executive Airport Inner District zone regulation, which prohibits residential uses within the (ILZ) zone and a request to waive the Tamiami Kendall Executive Airport Outer Safety Zone (OSZ) regulation limiting residential units to less than two per acre. The subject property is located on the northeast corner of SW 157 Avenue and SW 120 Street and is surrounded by an RU-1 zoned single-family residential district to the north, the Kendall-Tamiami Airport to the south, a vacant IU-C zoned parcel to the east, and GU zoned vacant properties to the west.

Submitted plans (Option 1 dated stamped received May 2, 2006) indicate an irregularly shaped, 67.8-acre parcel bordered by SW 120 Street on the south, SW 157 Avenue and a canal on the west, and SW 152 Avenue on the east. Single-family homes border the property on the north side. The applicant proposes a 508-unit residential community consisting of detached singlefamily homes and condominiums housed within three townhouse-building types. All of the single-family homes are to be located on the north half of the parcel consistent with the existing single-family homes to the north. The southern portion is designed with the townhouse building type serving as a transition between the single-family homes proposed on the north portion of the parcel and airport uses to the south. A 2.1-acre parcel is reserved on the southeast corner of the site for a future neighborhood shopping center. However, no plans were submitted as part of this application indicating how the commercial parcel is to be developed. Two drives on SW 120 Street will provide access into the subdivision, which is designed along an interconnected network of blocks and streets. These drives are fitted with medians to emphasize their importance as gateways into the community. Each entrance into the development is terminated by greens fitted with the community's clubhouses and pools and there are three lots on the single-family portion of the development, also reserved as open space. A small, narrow detached green is planned in the townhouse portion of the development located on the southerly portion of the parcel, near SW 120 Street. Staff notes that the site plan does not indicate future street connections to the surrounding street grid and possibilities exist on the northeasterly portion of the subject property, the east side and on the south side. An adapted Mediterranean architectural style is applied to the single-family residences and neo-classical motifs are used on the townhouse building types. An alternate plan for the subject property (Option 2 dated stamped received May 30, 2006) indicates a change in the location of the 2.1-acre commercial parcel from the southeasterly portion of the property to the southwest portion of the property. In this plan, two blocks with townhouse building types are shown on the southeasterly portion of the site. Aside from this change, the remainder of the site plan is similar to the original submission.

The Department of Environmental Resources Management (**DERM**) offers **no objections** to this application and has indicated that it meets the minimum requirements as set forth in Chapter 24 of the Code of Miami-Dade County. Since public water and public sanitary sewers can be made available to this property, DERM will require that the applicant connect to the water supply and the public sanitary sewer system. The **Miami-Dade Fire Rescue Department** offers **no objections** to this application and indicates in their memorandum that this project is expected to generate approximately 136 fire and rescue calls annually. The projected response time to such a project is between 2 and 12 minutes and 5 minutes for the first-in unit. Fire Water and Engineering has reviewed and approved the submitted plan; but any substantial

changes to this plan must be reviewed by Fire Water and Engineering. The Department of Solid Waste Management does not object to this project. This project falls within the DSWM solid waste collection service area. Twice weekly individual curbside garbage and trash collection, scheduled bulky waste collections service, and unlimited use of the Trash and Recycling Centers are the services currently provided to residential units in the DSWM solid waste collection service area. Currently, DSWM provides curbside recycling services to residential units located in the unincorporated area of Miami-Dade County. Residential units shall, therefore, utilize DSWM weekly curbside recycling services, provided for the County by BFI, Inc. The latest concurrency status determination issued on September 12, 2003, which is valid for three (3) years, shows sufficient disposal system capacity to meet and exceed the County's adopted level of service (five years capacity). This determination, which is on file with the Department of Planning and Zoning is contingent upon the continued ability of Miami-Dade County to obtain and renew disposal facility operating permits from the Florida Department of Environmental Protection, as needed. The Miami-Dade County Aviation Department objects to this development and has indicated in their memorandum that the proposed site is approximately 0.14 miles from the end of TMB Runways 9L/27R; the total number of operations for the year 2004 at TMB was approximately 194,441; the altitude of aircraft when traversing the proposed site is as low as 148 feet for the arrivals and 364 feet for departures; the majority of the parcel falls inside the Inner District (ILZ) as depicted in the Land Use Zoning Ordinance for TMB and, according to the Ordinance, new residential construction and educational facilities. excluding aviation, are not permitted within this land use classification. It should be noted that residential areas that surround the County operated airports are very noise sensitive. Aircraft noise complaints from TMB have not increased in the past few years. One contributing factor to this is the buffer of compatible non-residential land that exists around portions of the airport. To allow encroachment of residential areas into these areas will increase the noise problem and work against Aviation Department efforts to reduce aircraft noise impacts in residential areas. MDAD has also reviewed the request for a height analysis. The review finds that a proposed 54 ft. Above Ground Level (AGL) structure, assumed 65 ft. AMSL (Above Mean Sea Level) at the referenced location on the Northeast corner of SW 124 Street and SW 137 Avenue conforms to the Miami-Dade County Height Zoning Ordinance. Further, the Aviation Planning Division would not object to a proposed structure height that conforms to the Miami-Dade County Height Zoning Ordinance as long as the Federal Aviation Administration determines that the construction of a building height will not diminish or affect the safety, efficiency or capacity of Kendall-Tamiami Executive Airport in any way, the FAA issues a "Determination of No Hazard" for this project and an interested party does not file a "petition for review" to FAA's aeronautical study that has yet to be completed for this project and location. Before proceeding with design, any proposed construction at this location exceeding 30 ft. will be required to file with the FAA by using form 7460-1 'Notice of proposed Construction Alteration for Determination of Known The Miami-Dade County School Board also objects to this application and is Hazards'. requesting that the item be denied or that it be deferred until such time the applicant is able to address the impact of the proposed residential development on public schools in the area. They have indicated that the proposed zoning will bring an additional 271 students into the area's public schools. The schools impacted are Dr. Gilbert L. Porter Elementary School, Hammocks Middle School and Felix Varela Senior High School currently operating at 133%, 130% and 145% of Florida Inventory of School Houses (FISH) % utilization, respectively. However, utilizing the County's Census 2000 figures, the proposed residential development will increase the FISH % utilization of Dr. Gilbert L. Porter Elementary School, Hammocks Middle School and Felix Varela Senior High School to 146%, 134% and 147%, respectively. At its April 13, 2005 meeting, the School Board approved School District criteria that would allow District staff to make recommendations on residential zoning applications that impact public schools beyond the 115% of FISH capacity threshold (Review Criteria). Pursuant to the Interlocal, and the recently approved Review Criteria the District met with the applicant on February 16, 2006, to

discuss the impact of the proposed development on public schools. Although the applicant proffered a mitigation plan, such a proffer was not consistent with the School Board's approved mitigation options. The **Public Works Department** has **no objections** to this application and indicates in their memorandum that it meets the criteria of traffic concurrency for an Initial Development Order, per Section 33-G5 of the Concurrency Management Program. No vehicle trips have been reserved by this application and it will be subject to the payment of road Impact Fees.

Approval of this application would provide additional housing for the community. The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates this property for business and office use. This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas. These uses may occur in self-contained centers, high-rise structures, campus parks, municipal central business districts or strips along highways. In reviewing zoning requests or site plans, the specific intensity and range of uses, and dimensions, configuration and design considered to be appropriate will depend on locational factors, particularly compatibility with both adjacent and adjoining uses, and availability of highway capacity, ease of access and availability of other public services and facilities. Further, residential uses, and mixing of residential use with commercial. office and hotels are also permitted in business and office areas provided that the scale and intensity, including height and floor area ratio of the residential or mixed use development, is not out of character with that of adjacent or adjoining development and zoning, and it does not detrimentally impact, and it provides a sensitive well designed transition to any adjacent or adjoining residentially developed or designated areas of different development intensity. Where these conditions are met residential development may be authorized to occur in the business and office category at a density up to one density category higher than the LUP - designated density of the adjacent or adjoining residentially designated area on the same side of the abutting principal roadway, or up to the density of any such existing residential development, or zoning if the adjacent or adjoining land is undeveloped, whichever is higher.

Provided the proposed residential development has a scale, intensities, and heights which are compatible with the surrounding area and more importantly, the proposal is not out of character with adjacent or adjoining development and zoning, the 67.8-acre business and office designated subject property can be developed at a density up to one density category higher than the LUP designated density of the adjacent residentially designated area located on the same side of the abutting principal roadway. The nearest residential community adjoining the subject property is located directly north of the subject property and is designated for low density residential in the Land Use Plan map, a category that permits residential development with a minimum of 2.5 units per gross acre to a maximum of 6 units per gross acre. One density category higher than the low-density residential category is the low-medium density residential category, which permits a density range from a minimum of 5 units per gross acre to a maximum of 13 units per gross acre. Should the proposed residential development meet the compatibility criteria indicated in the CDMP's interpretative text, the subject property could potentially be developed with a maximum of 881 residential units. The applicant is proposing a maximum of 508 residential units at 7.4 units per acre in the form of single-family homes and townhouse building types. The residential development with its proposed building types is compatible and in character with the established residential community immediately north; however, in staff's opinion, the proposal is not in character and is incompatible with the Kendall-Tamiami Executive Airport located immediately south of the subject property and with future industrial uses that could be developed on the industrial and office designated properties found immediately east and west. CDMP Objective AV-7 indicates that Miami-Dade County shall maximize compatibility between airports and surrounding communities and Policy AV-7E indicates that to the extent feasible, the CDMP Land Use Element should be utilized to maximize compatibility of land uses around airports. As indicated by the Miami-Dade County Aviation Department, the majority of the parcel falls inside the Inner District Zone (ILZ) as depicted in the Land Use Zoning Ordinance for the Kendall-Tamiami Executive Airport (TMB). According to this ordinance, new residential construction and educational facilities, excluding aviation, are not permitted within this zone. The proposed site is approximately 0.14 miles from the end of TMB Runway 9L/27R and the altitude of aircraft when traversing the proposed site is as low as 148 feet for arrivals and 364 feet for departures. Staff is concerned that the noise and low flying aircraft could be a nuisance and pose a potential danger for people residing in the proposed development. Increasing residential development around the airport could interfere with or diminish any future expansions of the Kendall-Tamiami Executive Airport and its operations since said expansions could further compromise the safety of the encroaching residential population. The subject property also lies between two large industrially designated properties, which could be developed with intensities and uses that could affect the quality of life residents who may choose to live in the proposed development. In staff's opinion the location of the proposed residential development is incompatible with the surrounding area and inconsistent with the Master Plan.

Notwithstanding the aforementioned, staff is of the opinion that the subject property is suited for commercial uses permitted by the underlying business and office designation. This category accommodates the full range of sales and service activities which include retail, wholesale, personal and professional services, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes, entertainment and cultural facilities, amusements and commercial recreation establishments. The specific intensity and range of uses, and dimensions, configuration and design considered to be appropriate will depend on compatibility with both adjacent and adjoining uses, including airport uses. In the April 2004 CDMP Cycle, the applicant filed an amendment to the land use plan map to re-designate the subject property from industrial and office to business and office. The applicant contended that the large amount of residentially designated and developed land in the immediate vicinity of the subject property is not adequately served by the existing stock of land designated for business uses. With the exception of Kendall-Tamiami Airport, the prevailing CDMP land-use designations surrounding the property are low-medium density residential and low density residential, resulting in a significant stock of existing and available residential units. According to the applicant, despite the large number of residents in the area, the nearest significant commercial land is located thirty-two blocks to the north on North Kendall Drive and SW 157 Avenue - the yet to be developed Kendall Town Center. Further, the applicant provided other reasons for the amendment including that the development of the area as a major residential community has changed the marketability of the subject property. Even with Kendall-Tamiami Executive Airport to the immediate south, the applicant argued, the development of residential communities all around the northern and southern boundaries of the airport make it commercially unfeasible to market and sell this property for industrial-type uses. The applicant believes that the proper transition between Kendall-Tamiami Executive Airport and the residential communities immediately adjacent to the subject property should not be heavy industrial uses, but a more gradual transition, such as the business and office land use designation. In addition, approval of the land use amendment would promote the implementation of the Guidelines for Urban Form. to cure the existing deficiency in business designated areas and would address serious public safety issues created by the over-utilization of the limited retail opportunities in the area. Based on the aforementioned, the applicant further indicated in the CDMP amendment application that he believes that there is a significant need to provide additional commercial inventory within the immediate vicinity of the property and the proposed amendment would allow for additional commercial uses to serve the needs of the residential communities surrounding the subject property. The Board of County Commissioners pursuant to Ordinance #05-92 granted the amendment to the LUP map designation of the CDMP from industrial and office to business and office on May 9, 2005.

In staff's opinion, a retail area offering, among other things, restaurants, offices, banks, and department stores designed with building heights in close proximity to the residential development found nearby and with buffering to protect the residential areas from any visual and aural impacts it might generate would serve the retail needs of airport workers, the existing residential areas found nearby as well as serving the workers of the future industrial and office developments to the east and west. A commercial center at this location as originally envisioned by the applicant and made possible through the approval of the re-designation of the subject property from industrial and office to business and office by Ordinance #05-92 would be **compatible** with the area and **consistent** with the Master Plan.

When considering district boundary changes, Section 33-311 provides that the Board shall hear and grant or deny applications by taking into consideration if the proposed development will: conform to the Comprehensive Development Master Plan (CDMP) for Miami-Dade County, Florida; have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment, and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development. The Board shall consider if the development will have a favorable or unfavorable impact on the economy of Miami-Dade County, if it will efficiently utilize or unduly burden water, sewer, solid waste disposal, recreation, education, public transportation facilities which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways. The applicant is requesting a district boundary change from IU-C, Conditional Industrial District, to BU-1A, Limited Business District, on 2.13 acres of the subject property located on the southeasterly portion of the site (Option 1) or in the alternative, a district boundary change from GU, Interim District, to BU-1A. Limited Business District on a 2.13-acre parcel indicated on the southwesterly portion of the site as indicated in Option 2, the subsequent submission. Establishing the BU1A district at either location with retail and office uses would not impact the natural environment or have irreversible or irretrievable consequences to natural resources as indicated by various Departments mentioned above. Further, appropriate development at either locations would be accessible from SW 120 Street. Although the requested BU-1A zoning on the 2.13 acre portion of the subject property is consistent with those uses permitted under the CDMP's business and office category and compatible with the future industrial and office designated parcels found to the east and west and with airport operations found in the Kendall-Tamiami Executive Airport existing to the south, the 2.13-acre sized parcels are insufficient to properly serve the residential community which surrounds the subject property. Staff is of the opinion, that the re-designation of the entire 67.8-acre property was granted to provide a large commercial center serving the retail and office needs of the residents surrounding the subject property, airport workers and workers from the future industrial uses found to the east and west. As such, staff would support an application to rezone the entire property to BU-1A. In this regard, staff recommends denial without prejudice of the district boundary change from IU-C to BU-1A (request #1) and from GU to BU-1A (request #2) under Section 33-311.

When considering request #3, to permit a district boundary change from IU-C to RU-3M, Minimum Apartment House District, and request #4, to permit a district boundary change from IU-C, to RU-1M(a), Single-Family Modified Residential District, under Section 33-311, staff is of the opinion that said requests are inconsistent with the Master Plan, would have an unfavorable impact on the economy of Miami-Dade County and burden educational facilities. The 508-unit residential development consisting of single-family residences and townhouses at this location would be incompatible with existing airport operations at The Kendall-Tamiami Executive Airport

since the noise generated by the aircraft and the proximity of said aircraft to proposed homes would not only be detrimental but pose a danger to its future residents. The encroachment of human populations near airports diminishes the airport's potential for continued operation and future growth since such expansions may affect the safety of people. Proposed homes can also be affected by potentially incompatible uses that might be developed within the industrial and office designated parcels found to the east and west. Further, the residential development may be affected by factors such as noise, odors, intensity, glare and dust that could be generated by potential development inside the industrial and office designated parcels and The Kendall-Tamiami Executive Airport. The economy of Miami-Dade County is indirectly affected by the proximity of this development and other existing or planned residential development to the airport. Many of the expansions and operations of the airport might have to be limited to lessen the airport's impact on the residential development. Residential encroachments around the airport can discourage an increase in the capacity of the airport to meet the forecast aviation demands and impede to some extent the ability for the State and local governmental economic development entities to promote and expand their programs at the airport and as such. negatively affect the regional economy. Staff notes that although the development meets the criteria for traffic concurrency, the only means of accessing the site will be through SW 120 Street and transit does not serve the property or the immediate surrounding parcels. As previously mentioned, the site plan lacks connectivity to the adjacent and adjoining street grid and only two options are provided to access the future residential development. This condition would create more traffic on SW 120 Street and automobile stacking problems at the two points of access, especially during the morning and afternoon rush hours. Accordingly, staff recommends denial without prejudice of requests #3 and #4 under Section 33-311.

When analyzed under Section 33-311(A)(4)(c), the Alternative Non-Use Variance Standards, the applicant would have to prove that requests #5, #6, and #7 are due to an unnecessary hardship and that, should the requests not be granted, such denial would not permit the reasonable use of the premises. Staff is of the opinion that said requests do not comply with the standards of said section since the property can be utilized in accordance with zoning regulations, and thus should be denied without prejudice under said Section.

When request #5, to permit lots with 0' of frontage (50' required) on a public street and to permit access to a public street by means of a private drive, is analyzed under Section 33-311(A)(14) (Alternative Site Development Option for Single-Family and Duplex Dwellings), staff is of the opinion that said request meets ASDO Standard 33-311(A)(14)(d)(1)(G) for lot frontage. This section, maintains that sufficient frontage shall be maintained to permit vehicular access to all resulting lots. Submitted plans indicate that although the proposed single-family residential portion of the development will be on private drives, there will be sufficient frontage maintained to permit vehicular access to all lots. However, since the subject parcel lies within the Kendall-Tamiami Executive Airport Inner District Zone where residential construction is prohibited, staff recommends that this request be denied without prejudice under Section 33-311(A)(14) (Alternative Site Development Option for Single-Family and Duplex Dwellings Standards).

When request #5, is analyzed under Section 33-311(A)(4)(b), the Non-Use Variance Standards, staff is of the opinion that said request would not maintain the basic intent and purpose of the zoning, subdivision and other land use regulations, and the request will not be compatible with the surrounding land uses and be detrimental to the community. In staff's opinion, approval of private drives may set a precedent for other developments, residential or otherwise, to do the same resulting in the elimination of a great portion of the public street grid and fostering the gating of many communities and businesses in this area of Miami-Dade County. The lack of public street connectivity and a large number of private streets increase the probability of high concentrations of traffic in the remaining publicly dedicated street network. Notwithstanding the

aforementioned, staff objects to the request and the development since it lies within a restrictive airport zone and as such, the approval of the development on private drives would be incompatible with the area concerned. Accordingly, staff recommends denial without prejudice of request #5 under Section 33-311(A)(4)(b) (Non-Use Variance Standards)

When request #6, to permit 0' of dedication (35' required) for the west half of SW 152 Avenue, and request #7, to permit 0' of dedication (40' required) for the east half of SW 157 Avenue, are analyzed under Section 33-311(A)(4)(b) (Non-Use Variance Standards), staff is of the opinion that said requests would not maintain the basic intent and purpose of the zoning, subdivision and other land use regulations, and the requests will not be compatible with the surrounding land uses and would be detrimental to the community. Staff objects to the waiver since the Half-Section and Section line roads would provide additional options for pedestrians and auto drivers to reach the subject property along the east and west property lines and encourage future connections between the subject property and adjoining sites. The absence of connectivity between this development and adjoining parcels can potentially exacerbate traffic conditions along SW 120 Street. As such, staff recommends denial without prejudice of requests #6 and #7 under Section 33-311(A)(4)(b) (Non-Use Variance Standards).

Staff objects to request #8 as it pertains to Option 1, to permit the waiving of the Kendall-Tamiami Executive Airport Inner District zone regulation, which prohibits residential uses within the (ILZ) zone in order to permit single-family residences and townhouses within the ILZ zone. and objects to request #9 as it pertains to Option 1, to permit the waiving of the Kendall-Tamiami Executive Airport Outer Safety zone (OSZ) regulation limiting residential units to less than two per acre in order to permit single-family and townhouse residences at more than two units per acre. When analyzed under Section 33-402 (Airport Variances), staff is of the opinion that the requests are not the result of a practical difficulty or unnecessary hardship and should the relief be granted, said requests would be contrary to the public interest, would not do substantial justice, would not be in the spirit and intent of the Airport Ordinance and would not promote the health, safety and general welfare of the inhabitants of the proposed development. According to the Kendall-Tamiami Airport Executive Ordinance, no residential development or educational facilities are permitted within this zone. Staff notes that the entire subject parcel lies within this zone. Any residential use constructed in this zone would be subject to extreme noise levels from aircraft arriving or departing from the airport, and would be in the flight path of aircraft that, according to the Aviation Department, could be potentially hazardous due to their low altitude when flying over the subject property. The portion of the development lying within the Kendall-Tamiami Executive Airport ordinance's Outer Safety Zone (OSZ), a large area located on the southwest corner of the site, will be developed with a greater density than permitted by said airport's zone as said zone limits residential units to less than two acres and the applicant is proposing a building intensity that is greater and consists of townhouses as well as single-family residences. The proposed intensity at this location will also be subject to the impacts generated by the Kendall-Tamiami Executive Airport. The applicant has not demonstrated that denial of the request to permit a residential community is an unnecessary hardship when considering that the business and office designated property can accommodate a commercial center, excluding non-aviation educational facilities, that will cater to the retail needs of the surrounding community. As such, staff recommends denial without prejudice of requests #7 and #8 under Section 33-402 (Airport Variances) as it pertains to Option 1.

Further, staff objects to requests #8 and #9 as it pertains to Option 2 since staff is of the opinion that the requests are not the result of a practical difficulty or unnecessary hardship. Should the relief be granted, said requests would be contrary to the public interest, would not do substantial justice, would not be in the spirit and intent of the Airport Ordinance and would not promote the health, safety and general welfare of the inhabitants of the proposed

development. According to the Kendall-Tamiami Airport Executive Ordinance, no residential development or educational facilities are permitted within the applicable safety zone. Staff notes that the entire subject parcel lies within the ILZ zone. Any residential use constructed in this zone would be subject to extreme noise levels from aircraft arriving or departing from the airport, and would be in the flight path of aircraft that, according to the Aviation Department, could be potentially hazardous due to their low altitude when flying over the subject property. Although For Option 2, the portion of the development lying within the Kendall-Tamiami Executive Airport ordinance's Outer Safety Zone (OSZ), a large area located on the southwest corner of the site, will be developed with commercial uses, a portion is proposed with townhouses and single-family homes at a greater density than permitted by said airport's zone. As in Option 1, the proposed intensity at this location for Option 2will also be subject to the impacts generated by the Kendall-Tamiami Executive Airport. The applicant has not demonstrated that denial of the request to permit a residential community is an unnecessary hardship when considering that the business and office designated property can accommodate a commercial center, excluding non-aviation educational facilities, that will cater to the retail needs of the surrounding community. As such, staff recommends denial without prejudice of requests #8 and #9 under Section 33-402 (Airport Variances) as it pertains to Option 2.

RECOMMENDATION: Denial Without Prejudice.

B. MULTI-YEAR CAPITAL IMPROVEMENTS PROGRAM

The General Services Administration Department has reviewed this application with respect to its compatibility with the County's current Capital Budget and Multi-Year Capital Plan. This plan is prepared pursuant to state growth management legislation and the Miami-Dade County code. This application does not conflict with the current plan.

II. ENVIRONMENTAL IMPACT

A. STORMWATER MANAGEMENT

The Black Creek Canal, adjacent to the subject property, is owned and regulated by the South Florida Water Management District (SFWMD). The applicant is advised to contact the SFWMD for written verification of canal right-of-way. It is the applicant's responsibility to obtain information regarding possible permits required from the SFWMD prior to any work on the canal right-of-way.

A Surface Water Management General Permit from DERM shall be required for the construction and operation of the required surface water management system. This permit shall be obtained prior to site development, final plat or public works approval of paving and drainage plans.

All stormwater shall be retained on site utilizing properly designed seepage or infiltration drainage structures. Drainage must be provided for the 5-year/1-day storm event with full on-site retention of the 25-year/3-day storm. Pollution Control devices shall be required at all drainage inlet structures.

Site grading and development shall comply with the requirements of Chapter 11C of the Code.

Any proposed development shall comply with County and Federal flood criteria

requirements. The proposed development order, if approved, will not result in a reduction in the LOS standards for flood protection set forth in the CDMP subject to compliance with the conditions required by DERM for this proposed development order.

B. HAZARDOUS MATERIALS MANAGEMENT

Due to the nature of uses allowed in the proposed zoning classification, the applicant may be required to obtain DERM approval for management practices to control the potential discharge and spillage of pollutants associated with some land uses permitted in the requested zoning district.

C. OPERATING PERMITS

Section 24-18 of the Code authorizes DERM to require operating permits from facilities that could be a source of pollution. The applicant should be advised that due to the nature of some land uses permitted under the proposed zoning classification, operating permits from DERM may be required.

D. FUEL STORAGE FACILITIES

Section 24-45 of the Code outlines regulations for any proposed or existing underground storage facilities. The regulations provide design, permitting, installation, modification, repair, replacement and continuing operation requirements and criteria. In addition, monitoring devices, inventory control practices and pressure testing of fuel storage tanks is required.

E. WETLANDS

The subject property does not contain jurisdictional wetlands as defined by Section 24-5 of the Code; therefore, a Class IV Wetland Permit will not be required.

The applicant is advised that permits from the Army Corps of Engineers (305-526-7181), the Florida Department of Environmental Protection (561-681-6600) and the South Florida Water Management District (1-800-432-2045) may be required for the proposed project. It is the applicant's responsibility to contact these agencies.

F. TREE PRESERVATION

The subject property contains tree resources; Section 24-49 of the Code requires the preservation of tree resources. A Miami-Dade County tree removal permit is required prior to the removal or relocation of any trees. A tree survey showing all the tree resources on-site will be required prior to reviewing the tree removal permit application. The applicant is advised to contact DERM staff for permitting procedures and requirements prior to development of site and landscaping plans.

G. ENFORCEMENT HISTORY

DERM has reviewed the permits and enforcement database and the enforcement case tracking system and has found no open or closed formal enforcement records for the subject properties identified in the subject application.

Concurrency Review Summary:

DERM has conducted a concurrency review for this application and has determined that the same meets all applicable LOS standards for an initial development order, as specified in the adopted CDMP for potable water supply, wastewater disposal and flood protection. Therefore, the application has been approved for concurrency subject to the comments and conditions contained herein.

This concurrency approval does not constitute a final concurrency statement and is valid only for this initial development order as provided for in the adopted methodology for concurrency review. Additionally, this approval does not constitute any assurance that the LOS standards would be met by any subsequent development order applications concerning the subject property.

In summary, the application meets the minimum requirements of Chapter 24 of the Code and therefore, it may be scheduled for public hearing; furthermore, this memorandum shall constitute DERM's written approval to that effect as required by the Code.

III. IMPACT ON THE ECONOMY

It is estimated that for 179 single-family residential units at a cost of \$430,000. per unit and for 329 townhouse residential units at a cost of \$285,000. per unit, the operating revenue and cost to Miami-Dade County and the School Board will be as follows:

	County	School Board	Combined
Total Revenues	\$4,088,483.	\$2,207,744.	\$6,296,227.
Total Costs	<u>2,499,946.</u>	<u>1,275,529.</u>	3,775,475.
Net Fiscal Impact	\$ 1,588,537.	\$ 932,215.	\$2,520,752.

The net fiscal impact of this proposal is estimated to provide a positive operating revenue to Miami-Dade County of \$1,588,537.00 and a net surplus of \$932,215.00 to the School Board, for a combined total for both jurisdictions of \$2,520,752.00.

IV. IMPACT ON ESSENTIAL GOVERNMENTAL SERVICES

A. POTABLE WATER SUPPLY

The subject property is located within the franchised water service area of the Miami-Dade County Water & Sewer Department (MDWASD). The closest public water is an abutting 12-inch water main along SW 120 Street. Connection of the proposed development to the public water supply system shall be required in accordance with Code requirements. The estimated demand for this project is 177,800 gallons per day (gpd). This figure does not include irrigation demands.

The source of water for this water main is MDWASD's Alexander Orr Water Treatment Plant, which has adequate capacity to meet projected demands from this project. The plant is presently producing water, which meets Federal, State and County drinking water standards.

Existing public water facilities and services meet the Level of Service (LOS) standards set forth in the Comprehensive Development Master Plan (CDMP). Furthermore, the proposed development order, if approved, will not result in a reduction in the LOS standards subject to compliance with the conditions required by DERM for this proposed development order.

Notwithstanding that adequate system capacity is available for this project, DERM will require that water conserving plumbing fixtures be installed in accordance with the requirements of the South Florida Building Code in order to more efficiently use the Southeast Florida water resources.

It is recommended that the landscaping conform to xeriscape concepts. Included in these concepts is the use of drought tolerant plants, which reduce the use of turf grass together with efficient irrigation system design. Details of xeriscape concepts are set forth in the "Xeriscape Plant Guide II" from the South Florida Water Management District.

B. SANITARY SEWER SERVICE

The property is located within the franchised sewer service area of the MDWASD. The closest public sanitary sewer is an abutting eight-inch gravity main located along SW 117th Street. This gravity system discharges to pump station 30-0565 located at 14985 Hammocks Blvd. and also to pump station 30-0560 located at 15500 SW 112th Avenue. Pump station 30-0565 does not have adequate capacity to handle the flow generated by the proposed project. Therefore, the existing system will require an upgrade to handle the additional flow. The applicant is advised to contact MDWASD concerning the required upgrade. Downstream flow is directed to the South District Treatment Plant, which has adequate capacity to meet projected demands from this project. Connection of the proposed development to the public sanitary sewer system shall be required in accordance with the Code requirements.

Existing public sanitary sewer facilities and services meet the LOS standards set forth in the CDMP. Furthermore, the proposed development order, if approved, will not result in a reduction of the LOS standards subject to compliance with the conditions required by DERM for this proposed development order.

Notwithstanding the foregoing, in light of the fact that the County's sanitary sewer system has limited sewer collection, transmission, and treatment capacity, no new sewer service connections can be permitted, unless there is adequate capacity to handle the additional flows that this project would generate. Consequently, final development orders for this site may not be granted if adequate capacity in the system is not available at the point in time when the project will be contributing sewage to the system. Lack of adequate capacity in the system may be require the approval of alternative means of sewage disposal. Use of an alternative means of sewage disposal may only be granted in accordance with Code requirements, and shall be an interim measure, with connection to the public sanitary sewer system required upon availability of adequate collection/transmission and treatment capacity.

C. POLICE

The proposed development will be located in unincorporated Miami-Dade County and serviced by our Hammocks District (Police District 8), located at 10000 SW 142 Avenue, Miami, Florida. Our current staffing permits an average emergency response time under 5

minutes. As the demand for police service increases, additional sworn personnel may be required to maintain current levels of service.

D. <u>FIRE</u>

Service Impact/Demand

- 1. Based on development information, this project is expected to generate approximately 136 fires and rescue calls annually.
- 2. A suspected fire within this project would be designated as a building dispatch assignment. Such an assignment requires three (3) suppressions or engines, telesqurts or tankers, one (1) aerial, one (1) rescue and an accompanying command vehicle. This assignment requires 20 firefighters and officers.
- 3. The desired travel time to such a project is five (5) minutes for the first-in unit
- 4. Required fire flow for this project is 2,000 gpm with hydrant spacing no further than every 300 feet. Proper main extensions can be provided by Miami-Dade Water & Sewer Department. Generally, for this type of development 14-16 inch mains are required.

Existing Services

1. The stations responding to a fire alarm will be:

Station	<u>Address</u>	<u>Equipment</u>	<u>Staff</u>	Response Time
36	10001 Hammocks Blvd., Hammocks	Advance Life Support 50' Squrt, Rescue	4 3	2-3 min.
56	16250 SW 72nd St., West Sunset	Advanced Life Support Pumper Hazardous Materials	4	6-8 min.
57	8501 SW 127 th Ave., West Kendall	Rescue	3	10-12 min.
43	13390 SW 152 St. Richmond	Advanced Life Support Technical Recover Team	4	10-12 min.
		50' Squrt, Rescue	3	

2. Increased response times may result because of congestion on the following roadways:

SW 157 Ave.

Planned Service Expansions

The following stations/units are planned in the vicinity of this project:

Station/Unit	Address	Est. Completion <u>Date</u>	Response <u>Time</u>	Cost
Eureka (71)	Vicinity of SW 184 St & 157 Av	e. 2009	8-9 min.	\$2.2 million

Funding source is primarily: fire rescue impact fees.

Site Requirements

Fire Water & Engineering has reviewed and approved the proffered plan dated last revised 09-06-05. Any future substantial change to this plan must also be reviewed and approved by Fire Water & Engineering.

E. PARKS

Identify Impact and Demand

The 508 dwelling units will produce a population of 1,424 people, according to current population estimates prepared by the Research Division of the Planning Division of the Planning and Zoning Department. This population generates a need for 3.91 acres of local parkland, based on the CDMP Open Space Spatial Standards of 2.75 acres per 1,000 population.

Existing Service

The nearest community park is Hammocks Community Park, located at 9885 Hammocks Boulevard, approximately one mile north of this application.

The nearest neighborhood park is Wild Lime Park, located at 11341 SW 147th Avenue, approximately 1 mile northeast of this application.

The nearest existing district park is Tamiami Park, located at 11201 SW 24th Street, approximately 5 miles northwest of this application. Also, this Department is planning to develop a 160-acre parcel of land with the West Kendall District Park, located just west of this application at SW 157th Avenue and SW 120th Street.

Facilities

Hammocks Community Park has baseball fields, racquetball courts, parking lot, and a recreation center.

Wild Lime Park has soccer fields, parking lots, and a recreation center.

Tamiami Park has 12 lighted baseball fields, 7 tennis courts, 4 volleyball courts, a swimming pool, a basketball court, and various concession, storage, recreation and maintenance buildings.

Concurrency/Capacity Status

This application is located in Park Benefit District 2, which has a surplus of 555.09 acres of local parkland and it meets concurrency.

Site Plan Critique & Quality of Life Issues

The site plan includes 2 pool/clubhouse areas and another small open space area. Because the area is to be developed with private roads that will not connect to the roadway network to the north, a public park site is not feasible.

F. SCHOOLS

Comments from the Miami-Dade County Public Schools are provided in attached Exhibit "A".

G. SOLID WASTE MANAGEMENT

The County Solid Waste Management System consists of both County facilities and a private facility under contract as follows: two Class I landfills (one owned by Waste Management Inc., of Florida) a Class III landfill, a Resources Recovery Facility and associated ash monofill, and three regional transfer facilities. The Department does not assess or adjust estimated capacity requirements based on the impacts of individual developments. Instead, the Department maintains sufficient disposal capacity to accommodate five years of waste flows committed to the system through long-term interlocal agreements or contracts with municipalities and private waste haulers and anticipated non-committed waste flows. The latest Concurrency Status Determination issued on September 12, 2003, which is valid for three (3) years, shows sufficient disposal system capacity to meet and exceed the County's adopted level of service (five years of capacity). This determination, which is on file with the Department of Planning and Zoning is contingent upon the continued ability of the County to obtain and renew disposal facility operating permits from the Florida Department of Environmental Protection, as needed.

V. IMPACT ON TRANSPORTATION FACILITIES AND ACCESSIBILITY

A. ANTICIPATED TRAFFIC GENERATION AND CONCURRENCY

Trip Generation341 PM Peak Hour trip ends

Cardinal Distribution

North 44.0 % East 28.0 % South 20.0 % West 8.0 %

B. EXISTING ROADWAYS SERVICEABLE TO THIS APPLICATION

Location: SW 120 Street SW 157 Avenue

Description:

No. of lanes: Future 4 lanes Future 4 lanes

C. <u>IMPACT ON EXISTING ROADWAYS</u>

Concurrency

Station F-2529 located on SW 88 Street w/o SW 157 Avenue has a maximum LOS "SUMA" of 4220 vehicles during the PM Peak Hour. It has a current Peak Hour Period (PHP) of 1412 vehicles and 4402 vehicles have been assigned to this section of road from previously approved Development Orders. Station F-2529 with its 5814 PHP and assigned vehicles is at LOS "F". The 29 vehicles generated by this development when combined with the 5814 equals 5843 and LOS "F" where the range of LOS "F" is above 4220 vehicles.

Station 9856 located on SW 157 Avenue N/O Sw 88 Street has a maximum LOS "D" of 3100 vehicles during the PM Peak Hour. It has a current Peak Hour Period (PHP) of 1253 vehicles and 194 vehicles have been assigned to this section of road from previously approved Development Orders. Station 9856 with its 1447 PHP and assigned vehicles is at LOS "B". The vehicles 77 generated by this development when combined with the 1447 equals 1524 and LOS "B" where the range of LOS "B" is from 1 to 2570 vehicles.

Station 9832 located on SW 148 Avenue s/o SW 104 Street has a maximum LOS "D" of 3390 vehicles during the PM Peak Hour. It has a current Peak Hour Period (PHP) of vehicles and 1509 vehicles have been assigned to this section of road from previously approved Development Orders. Station 9832 with its 1515 PHP and assigned vehicles is at LOS "B". The 132 vehicles generated by this development when combined with the 1515 equals 1647 and LOS "B" where the range of LOS "B" is from 1391 to 3240 vehicles.

Station 9762 located on SW 120 Street w/o SW 137 Avenue has a maximum LOS "D" of 3240 vehicles during the PM Peak Hour. It has a current Peak Hour Period (PHP) of 2194 vehicles and 560 vehicles have been assigned to this section of road from previously approved Development Orders. Station9762 with its 2754 PHP and assigned vehicles is at LOS "B". The 93 vehicles generated by this development when combined with the 2754 equals 2847 and LOS "B" where the range of LOS "B" is from 1 to 2940 vehicles.

D. <u>ADDITIONAL IMPROVEMENTS REQUIRED FOR THIS DEVELOPMENT</u>

- 1. Completed Traffic markings and signage will be review at permitting and may require new alignment.
- 2. Road dedication and improvements will be determined during the Platting procedure.

E. SITE PLAN CRITIQUE

- 1. Entrance features are not reviewed or approved as part of this application.
- 2. Contribution for traffic signals may be required and will be determined during the Platting procedure.

This application **meets** the criteria of traffic concurrency for an Initial Development Order, per Section 33-G5 of the Concurrency Management Program. A performance Bond was provided to improve the section of SW 88 Street. No vehicle trips have been reserved by this application. In addition, it will be subject to the payment of road Impact Fees.

F. MASS TRANSIT

There is no transit service within the immediate vicinity of the proposed site. Closest Metrobus service is provided by Route 147 along SW 120 Street and 147 Avenue.

The 2005 Transportation Improvement Program (TIP) identifies under road Impact Fees, SW 120 Street from SW 157 Avenue to SW 150 Avenue with construction of two lanes.

The 2030 Long Range Transportation Needs Plan does not identify any improvements for the immediate area.

The 2005 Transit Development Program (TDP) identifies the West Kendall Crosstown, a new route operating seven days a week from the West Dade Bus Terminal to coral Reef Dr. and SW 137 Avenue primarily along SW 147, 152, 157, and 162 Avenue. (2007)

Based on the information presented, MDT has no objection to this project.

This project has been reviewed by MDT for mass transit concurrency and was found concurrent with the level-of-service standards established Miami-Dade County.

G. AVIATION

Land Use Review

MDAD has some concerns regarding the location of the site and its proximity to TMB Runways 9L/27R and 12/30 for the following reasons:

- The proposed site is approximately 0.14 miles from the end of TMB Runway 9L/27R.
- The total number of operations for the year 2004 at TMB was approximately 194,441.
- The altitude of aircraft when traversing the proposed site is as low as 148 feet for arrivals and 364 feet for departures.
- The majority of the parcel falls inside the Inner District (ILZ) as depicted in the Land Use Zoning Ordinance for TMB. According to the Ordinance, new residential construction and educational facilities, excluding aviation, are not permitted within this land use classification.
- It should be noted that residential areas that surround our County operated airports are
 very noise sensitive. Aircraft noise complaints from TMB have not increased in the past
 few years. One contributing factor to this is the buffer of compatible non-residential land
 that exists around portions of the airport. To allow encroachment of residential areas into
 these areas will certainly increase the noise problem and work against our efforts to
 reduce aircraft noise impacts in residential areas.

For these reasons and as stated in the Land Use Zoning Ordinance for TMB, MDAD does not recommend residential development at this location.

Airspace Review

MDAD has reviewed the request of October 18, 2005 for a height analysis for Century Business Park - DIC Case Z2005000274. Our review finds that a proposed 54 ft Above Ground Level (AGL) structure, assumed 65 ft AMSL (Above Mean Sea Level) at the referenced location on the Northeast corner of SW 124th Street and SW 137th Avenue) conforms to the Miami-Dade County Height Zoning Ordinance.

Please note, however, that the application indicates the placement of poles on top of the structure, as an architectural detail. These poles may not conform to County Ordinance. The pole heights were not included in our analysis due to lack of information provided in the submittal (i.e., elevation at top of poles and pole locations). The Aviation Planning Division recommends that the applicant remove the poles from the proposal or re-submit with sufficient information so that we may analyze them and issue a determination as to the impacts to airport operations.

Notwithstanding the above, Aviation Planning Division would not object to a proposed structure height that conforms to the Miami-Dade County Height Zoning Ordinance as long as:

- FAA determines that the construction of a building at the above mentioned height will not diminish or affect the safety, efficiency or capacity of Kendall-Tamiami Executive Airport in any way; and
- 2) FAA issues a "Determination of No Hazard" for this project and location; and
- 3) An interested party does not file a "petition for review" to FAA's aeronautical study that has yet to be completed for this project and location.

This height determination is an estimate issued on a preliminary or advisory basis. Before proceeding with design, any proposed construction at this location exceeding 30 ft will be required to file with the FAA by using form 7460-1 'Notice of Proposed Construction Alteration for Determination of Known Hazards'. In addition, any construction cranes for this project exceeding 30 feet must be filed by the construction contractor using the same form. Thus, for any structure or crane at this location exceeding 30 feet, FAA form 7460-1 must be filed.

CONDITIONS: None.

DATE TYPED: 05/09/06 DATE REVISED: 06/06/06 DATE FINALIZED: 06/19/06

EXHIBIT 'A'

APPLICATION NO. Z05-274 CENTURY BUSINESS PARK LLC

Respectfully Submited,

DIC Executive Council June 14, 2006

Susanne M. Torriente Assistant County Manager

Manny Mena, Assistant Fire Chief Miami-Dade Fire Rescue Department

Irma San Roman, Deputy Director Metropolitan Planning Organization Secretariat

Diane O'Quinn Williams, Director Department of Planning and Zoning

Esther Calas, P.E., Director Public Works Department

Carlos Espinosa, P.E., Director Department of Environmental Resources Mgmt

John W. Renfrow, P.E., Director Miami-Dade Water and Sewer Department NAY

NAY

NAY

Deanie Ollle,

NAY

NAY

NAY

Absent



Miami-Dade County Public Schools

giving our students the world

Superintendent of Schools Rudolph F. Crew, Ed.D.

Chief Facilities Officer Rose Diamond

May 4, 2006

Agustin J. Barrera, Chair Perla Tabares Hantman, Vice Chair Frank J. Bolaños Evelyn Langlieb Greer Dr. Robert B. Ingram Dr. Martin Karp Ana Rivas Logan Dr. Marta Pérez Dr. Solomon C. Stinson

Miami-Dade County School Board

Planning Officer Ana Rijo-Conde, AICP

> Ms. Maria Teresa Fojo, Division Chief Miami-Dade County Department of Planning and Zoning Zoning Evaluation Section 111 NW 1 Street, Suite 1110 Miami, Florida 33128

Re:

Century Business Park II, LLC - Application No. 05-274 Northeast Corner of SW 157 Avenue and SW 120 Street

Dear Ms. Teresa Fojo:

Pursuant to the state-mandated and School Board approved Interlocal Agreement, local government, the development community and the School Board are to collaborate on the options to address the impact of proposed residential development on public schools where the proposed development would result in an increase in the schools' FISH % utilization (permanent and relocatable), in excess of 115%. This figure is to be considered only as a review threshold and shall not be construed to obligate the governing agency to deny a development.

Attached please find the School District's (District) review analysis of potential impact generated by the above referenced application. Please note that all of the impacted school facilities meet the referenced review threshold. The proposed residential development will impact Dr. Gilbert L. Porter Elementary School, Hammocks Middle School and Felix Varela Senior High School currently operating at 133%, 130% and 145% of FISH % utilization, respectively. However, utilizing the County's Census 2000 figures, the proposed residential development will increase the FISH % utilization of Dr. Gilbert L. Porter Elementary School, Hammocks Middle School and Felix Varela Senior High School to 146%, 134% and 147%, respectively (please see attached analysis).

Additionally, at its April 13, 2005 meeting, the Board approved School District criteria that would allow District staff to make recommendations on residential zoning applications that impact public schools beyond the 115% of FISH capacity threshold (Review Criteria). Pursuant to the Interlocal, and the recently approved Review Criteria the District met with the applicant on February 16, 2006, to discuss the impact of the proposed development on public schools. The District is grateful that the applicant took the time to meet with the School District to discuss mitigation options outlined in the Review Criteria that may accommodate new students generated by the proposed application. Although the applicant proffered a mitigation plan, such a proffer was not consistent with the School Board's approved mitigation options.

In accordance with the Review Criteria established by the Board, the School District is requesting that the application be denied, or that it be deferred until such time as the applicant is able to address the impact of the proposed residential development on public schools in the area.

School Board Administration Building • 1450 N.E. 2nd Avenue, Suite 525 • Miami, Florida 33132 305-995-7285 • FAX 305-995-4760 • arijo@dadeschools.net

Ms. Maria Teresa Fojo May 4, 2006 Page Two

Please note the attached analysis depicts the relief schools planned in the area, which includes the recently approved Facilities Five Year Work Program.

Also, attached is a list of approved Charter School Facilities, which may provide relief on a countywide basis.

Additionally, pursuant to Miami-Dade County's Educational Facilities Impact Fee Ordinance the proposed development, if approved, will be required to pay educational facilities impact fees (impact fees) based on the following formula:

New residential unit square footage X .90 (Square Footage Fee) + \$600.00 (Base Fee) + 2% administrative fee = Educational Facilities Impact fee

As an example, assuming the proposed unit is 1,500-2000 square feet, the 508-unit development is estimated to generate approximately \$1,071,150 (\$1,950-\$2,400 per unit, excluding the 2% administration fee) in impact fees. This figure may vary since the impact fees assessed are based on the actual square footage of each dwelling unit.

As always, thank you for your consideration and continued partnership in our mutual goal to enhance the quality of life for the residents of our community.

Sincerely.

Patricia Good

Coordinator III

PG:scj L-1321

Attachment

CC:

Ms. Ana Rijo-Conde

Mr. Fernando Albuerne Mr. Michael A. Levine Mr. Ivan M. Rodriguez Ms. Vivian Villaamil

SCHOOL IMPACT REVIEW ANALYSIS

APPLICATION:

No. 05-274, Century Business Park, LLC (DIC)

REQUEST:

Special exception to permit residential uses in the BU-1A district

ACRES:

67.8 acres

MSA/Multiplier:

6.2/.65 (single-family) .47 (townhouse)

LOCATION:

Northeast Corner of SW 157 Avenue and SW 120 Street

NUMBER OF

UNITS:

508 units (179 single-family and 329 townhouse units)

ESTIMATED STUDENT

POPULATION:

271 students*

ELEMENTARY:

125

MIDDLE:

68

SENIOR:

78

SCHOOLS SERVING AREA OF APPLICATION:

ELEMENTARY:

Dr. Gilbert L. Porter Elementary - 15851 SW 112 St.

MIDDLE:

Hammocks Middle - 9889 Hammocks Blvd.

SENIOR HIGH:

Felix Varela Senior - 15255 SW 96 St.

All schools are located in Regional Center VI

^{*} Based on Census 2000 information provided by the Miami-Dade County Department of Planning and Zoning.

The following population and facility capacity data are as reported by the Office of Information Technology, as of October, 2005:

	STUDENT POPULATION	FISH DESIGN CAPACITY PERMANENT	% UTILIZATION FISH DESIGN CAPACITY PERMANENT	NUMBER OF PORTABLE STUDENT STATIONS	% UTILIZATION FISH DESIGN CAPACITY PERMANENT AND RELOCATABLE	CUMULATIVE STUDENTS **
Dr. Gilbert L. Porter Elem.	1247/ 1372*	919	137%/ 149%*	18	133%/ 146%*	1372
Hammocks Middle	2195/ 2263*	1450	151%/ 156%*	238	130%/ 134%*	2364
Felix Varela Sr.	4175/ 4253*	2888	145%/ 147%*	0	145%/ 147%*	4351

* increased student population as a result of the proposed development.

Notes:

1) Figures above reflect the impact of the class size amendment.

2) Pursuant to the Interlocal Agreement, all of the schools meet the review threshold.

PLANNED RELIEF SCHOOLS IN THE AREA

(information included in proposed 5-Year Capital Plan, 2005-2009, dated April 2005):

Projects in Planning, Design or Construction

· · · · · · · · · · · · · · · · · · ·							
School	<u>Status</u>	Projected Occupancy Date					
State School "Y1"	Construction	School Opening 2006					
(Gordon and Porter		, , , , , , , , , , , , , , , , , , ,					
Elementary School Relief)							
(1068 student stations)							

State School "YY1" Construction School Opening 2007 (Redland, Hammocks, Ammons and Richmond Heights Middle School Relief) (2232 student stations)

Proposed Relief Schools

(2858 student stations)

School
New Senior High School – (S/S "HHH1")
(Felix Varela, Sunset and Southridge
Senior High School Relief)

Funding Year
FY 07-08

Estimated Permanent Elementary Seats (Current and Proposed in 5-Year Plan)

^{**} Estimated # of students (cumulative) based on zoning/land use log (2001- present) and assuming all approved developments are built; also assumes none of the prior cumulative students are figured in current population.

Estimated Permanent Middle Seats (Current and Proposed in 5-Year Plan) 3682 Estimated Permanent Senior High seats (Current and Proposed in 5-Year Plan) 5746

Note: Some of the proposed schools will add relief to more than one school and new seats will be assigned based on projected need.

OPERATING COSTS: According to Financial Affairs, the average cost for K-12 grade students amounts to \$6,549 per student. The total annual operating cost for additional students residing in this development, if approved, would total \$1,774,779.

CAPITAL COSTS: Based on the State's February-2006 student station cost factors*, capital costs for the estimated additional students to be generated by the proposed development are:

ELEMENTARY MIDDLE SENIOR	68	X	\$ 14,378 = \$ 16,485 = \$ 21,815 =	\$1,120,980	
Total Potential Capital Cost \$4,619,800					

^{*} Based on Information provided by the Florida Department of Education, Office of Educational Facilities Budgeting. Cost per student station does not include land cost.

Charrer Sons of Growth in Marrie Pade County

	APPENDED.	#rosected	Eprofiment (as p	ercontact "
School Name 199	Circlined.	2005-2005	2006-2007	Maximum
A and a set A dia 9 Minds	(11.18.05) 141	400	500	500
Academy of Arts & Minds	469	525	525	525
Archimedean Academy	61	160	240	240
Archimedean Middle Conservatory	365	600	600	600
ASPIRA Eugenio Maria de Hostos ASPIRA Youth Leadership	305	450	450	450
ASPIRA Youth Leadership	203	210	450	600
Aventura City of Excellence School	699	900	900	900
Balere Language Academy	148	175	250	450
Coral Reef Montesson	. 345	500.	500	500
Doctors Charter School of Miami Shores	6040	375	450	525
Doral Academy	730	2,200	2200	2,200
Doral Academy Middle School	815	1,250	1250	1,250
Doral Academy High School	925	1,800	1800	1,800
Doral Performing Arts & Entertainment Academy	45	100	150	200
Downtown Miami Charter School	614	650	650	650
Early Beginnings Academy - Civic Center	43.	80	80	80
Early Beginnings Academy - North Shore	20	43	43	70
Florida International Academy	261	350	350	350
International Studies Charter High School	110	500	750	1,000
Keys Gate Charter School	1,132	1,150	1,150	1,150
Lawrence Academy	69	120	250	450
Liberty City Charter School	350	. 705	705	705
Life Skills Center Miami-Dade County	62	300	450	600
Mater Academy	713	1,150	1,150	1,150
Mater Academy Charter High School	1,165	1,300	1,300	1,300
Mater Academy Charter Middle School	1,154	1,300	1,300	1,300
Mater Academy East Charter School	303 .	800	800	800 250
Mater Academy East Middle School	107	250	250	200
Mater Performing Arts & Entertainment Academy	94	100	150 350	350
Miami Children's Museum	79	350	600	600
Miami Community Charter School	223	600	450	450
Oxford Academy of Miami	105	450	800	800
Pinecrest Preparatory Academy Middle School	222	750 1,250	1,250	1,250
Pinecrest Preparatory Academy	745	400	600	600
Rosa Parks Charter School/Florida City	199 452	500	500	500
Renaissance Elementary Charter School	47	50	700	1,600
Renaissance Middle Charter School	19	72	72	72
Sandor Wiener School of Opportunity	25	36	36	36
Sandor Wiener School of Opportunity, South	332	600	800	800
School for Integrated Academics & Technologies	525	700	700	700
Somerset Academy	74	300	300	300
Somerset Academy Charter Middle School	22	250	375	500
Somerset Academy Charter High School	78	290	290	290
Spiral Tech Elementary Charter School	39	250	300	400
Spirit City Academy	95	150	200	450
Sunshine Academy The Chades School at Waterstone	1,012	1,000	1,000	1,000
The Charter School at Waterstone Theodore R. and Thelma A. Gibson Charter School	16	500	600	600
	29	48	48	72
Transitional Learning Academy	515	525	525	525
Youth Co-Op Charter School	16,713	27,514	30,139	32,690
TOTAL: 50 schools	(0,110)	-17V 17E		

Files - Service American Forestal Sencelar			
ELECTRICAL PROPERTY OF THE PRO	The state of the s	moltment las p	eracontracti
School Name		2005-2007	
D. J. Middle Cohool	-0-	250	250
Charter on the Beach Middle School	-0-	475	775
Liceo ENLACE Miami! Charter Academy	-0-	175	600
A Child's Journey Charter School	-0-	600	840
Atlantic Science Academy	-0-	100	200
Cooperative Charter School	-0-	600	600
Dr. Joseph Coats Grace Community Charter School	-0-	450	450
Excelsior Academy of Miami	-0-	120	365
Mosaic Bilingual Academy	-0-	800	1,600
North Miami/Florida Int'l Univ. Charter Sr. High School	-0-	600	850
Pinecrest Academy Charter High School	-0-	625	750
South Dade Charter Elementary School	-0-	600	600
Summerville Charter School	-0-	5,395	7,880
TOTAL: 12 schools		3551	40,570
SUB-TOTAL (EXISTRING PAREROYED) 162 Schools			

Board Approversipplications (c)		negaventye (s. 1944)
Hoard Applican	es suprimine collection	Maximum Englineric anachy
	6	0,400
Somerset Academy		900
Mater Gardens Academy Elementary School		600
Mater Springs Academy Elementary School	1	900
Mater Academy South Charter School		450
Mater Gardens Academy Middle School		300
Mater Springs Academy Middle School		800
Sabal Palm Charter High School	<u> </u>	600
Charter Academy of Excellence		1,600
Palmetto Bay Charter Academy		1,600
Princeton Charter Academy		2,000
Homestead Charter High School		600
South Miami-Dade Charter Elementary School		300
South Miami-Dade Charter Middle School	1	17,050
Total:	18 schools	

DATE: 06/22/06
REVISION 1

TEAM METRO

ENFORCEMENT HISTORY

CENTURY BUSINESS PARK LLC	The Northeast corner of theoretical SW 157 Avenue & sw 120 Street, MIAMI-DADE COUNTY, FLORIDA.
APPLICANT	ADDRESS
Z2005000274	
HEARING NUMBER	
CURRENT ENFORCEMENT HIST	ORY:
NCO conducted inspection and found ille referral was made to Public Works for a f	egal dumping on the Miami Dade County right of way. A follow up.
Nycula Randle	

DISCLOSURE OF INTEREST*

If a CORPORATION owns or leases the subject property, list principal, stockholders and percent of stock owned by each. [Note: Where principal officers or stockholders consist of other corporation(s), trust(s), partnership(s) or similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

CORPORATION NAME: CENTURY BUSINESS PARK, LLC			
NAME AND ADDRESS	Percentage of Stock		
SEE ATTACHED EXHIBIT "A"			
If a TRUST or ESTATE owns or leases the subject property, list the trust b held by each. [Note: Where beneficiaries are other than natural persons, further the natural persons having the ultimate ownership interest]. TRUST/ESTATE NAME:	eneficiaries and percent of interest disclosure shall be made to identify		
NAME AND ADDRESS	Percentage of Interest		
If a PARTNERSHIP owns or leases the subject property, list the princip partners. [Note: Where partner(s) consist of other partnership(s), corporation(s) disclosure shall be made to identify the natural persons having the ultimate owner PARTNERSHIP OR LIMITED PARTNERSHIP NAME:	, trust(s) or similar entities, further		
NAME AND ADDRESS	Percentage of Ownership		

ZONIN'S HEARINGS SECTION MIAMI-DADE PLANNING AND ZONING DEPT. If there is a **CONTRACT FOR PURCHASE** by a Corporation, Trust or Partnership, list purchasers below including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or similar entities, further disclosure shall be made to identify natural persons having ultimate ownership interests].

NAME OF PURCHASER:	
NAME AND ADDRESS (if applicable)	Percentage of Interest
<u>, </u>	
Date of contract:	
If any contingency clause or contract terms involve additional paramership or trust:	arties, list all individuals or officers, if a corporation,
NOTICE: For changes of ownership or changes in purchase con The above is a full disclosure of all parties of interest in this appl	
Signature:	
Sworn to and subscribed before me this 22 day of July as identification	, ວຽວ Affiant is personally known to me or ation.
(Wry 2	SARY FAR Notary Public - State of Florida
Au commission expires 1/9/08	My Commission Expires Jan 19, 2008 Commission # DD279122 Bonded By National Notary Assn.
Disclosure shall not be required of: 1) any entity, the equivalent stablished securities market in the United States or another course	untry; or 2) pension funds or pension trusts of more
han five thousand (5,000) ownership interests; or 3) any entity	where ownership interests are held in a partnership,

established securities market in the United States or another country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership interests are held in a partnership, corporation or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership and where no one (1) person or entity holds more than a total of five per cent (5%) of the ownership interest in the partnership, corporation or trust. Entities whose ownership interests are held in a partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership, shall only be required to disclose those ownership interests, including all interests at every level of ownership, shall only be required to disclose those ownership interests in the partnership, corporation or trust.

(3) percent of the ownership interest in the particismp, corporation of thus

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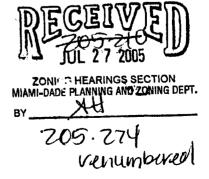
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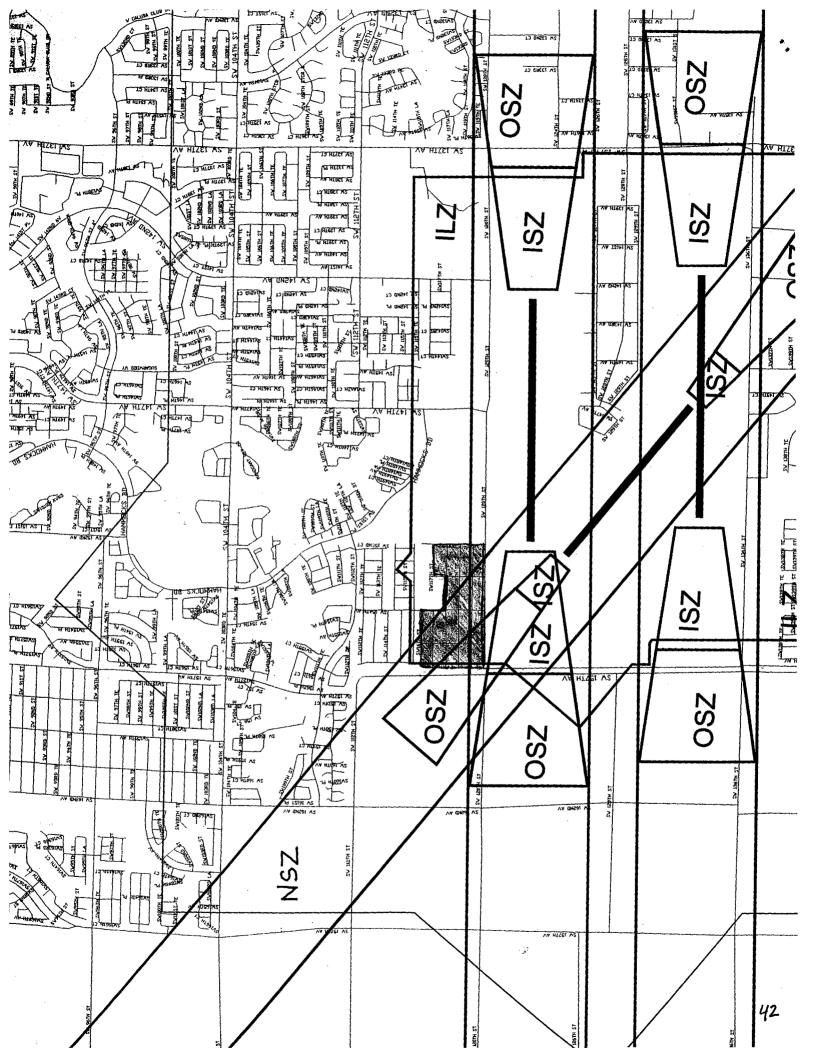
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Exhibit "A" to Disclosure of Interest Form

Name of Member	Address of Member	Percentage Interest of <u>Member</u>
Sergio Pino and Tatiana Pino	7270 NW 12 th St., Suite 410, Miami, Florida 33126	41.25%
Rodney Barreto and Shelia Barreto	235 Catalonia Avenue, Coral Gables, Florida 33134	41.25%
Ramon Rasco and Ana L. Rasco	283 Catalonia Avenue, 2 nd Floor, Coral Gables, Florida 33134	7.5%
Brian May and Jenny May	235 Catalonia Avenue, Coral Gables, Florida 33134	5%
Jorge Vigil and Cecilia Ruiz	283 Catalonia Avenue, 2 nd Floor, Coral Gables, Florida 33134	2.5%
Ramon A. Rasco	9375 Balada Street, Coral Gables, Florida 33156	1.0%
Richard Rasco	9375 Balada Street, Coral Gables, Florida 33156	1.0%
Cristina Rasco	9375 Balada Street, Coral Gables, Florida 33156	.5%

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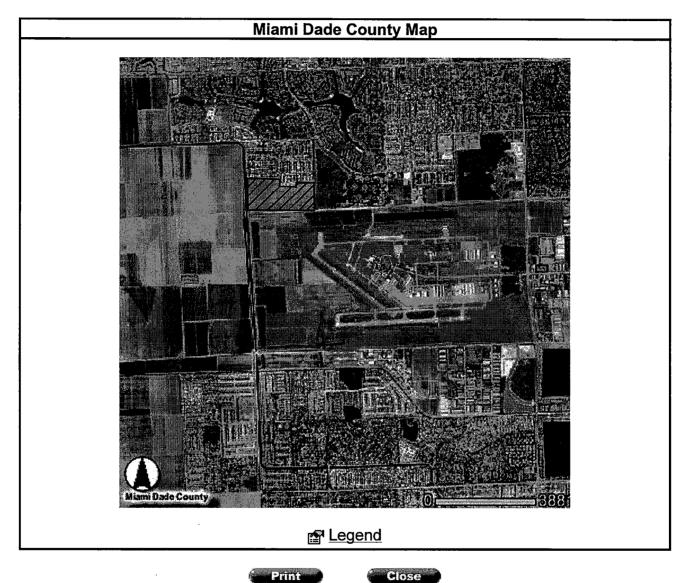




eMaps Online Miami-Dade County, Florida

miamidadə.gov



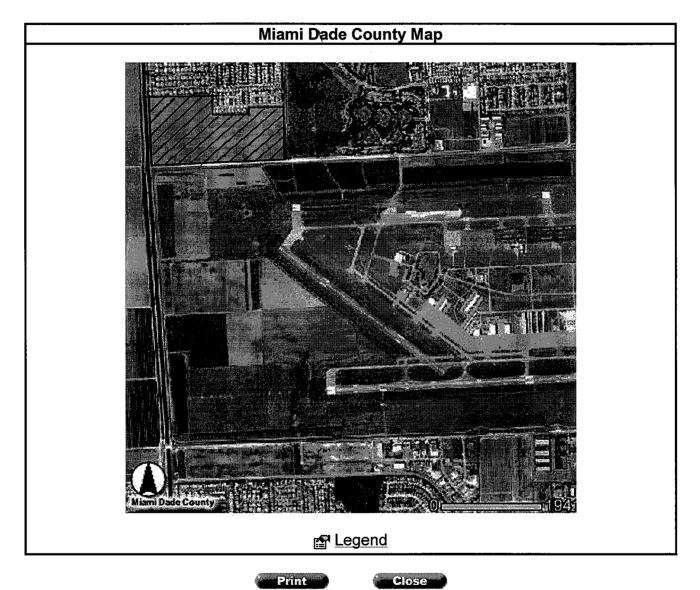


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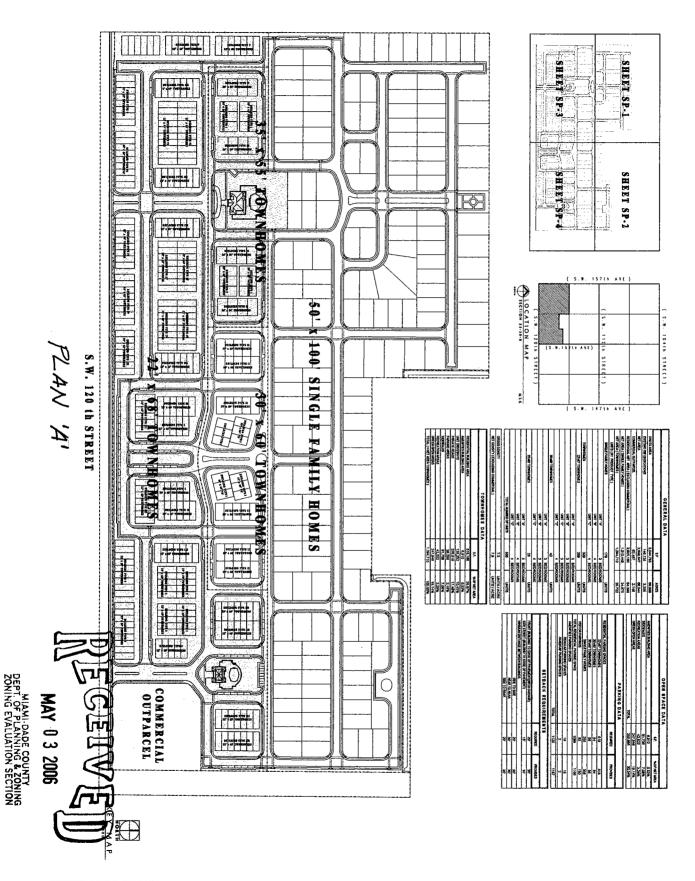
eMaps Online Miami-Dade County, Florida

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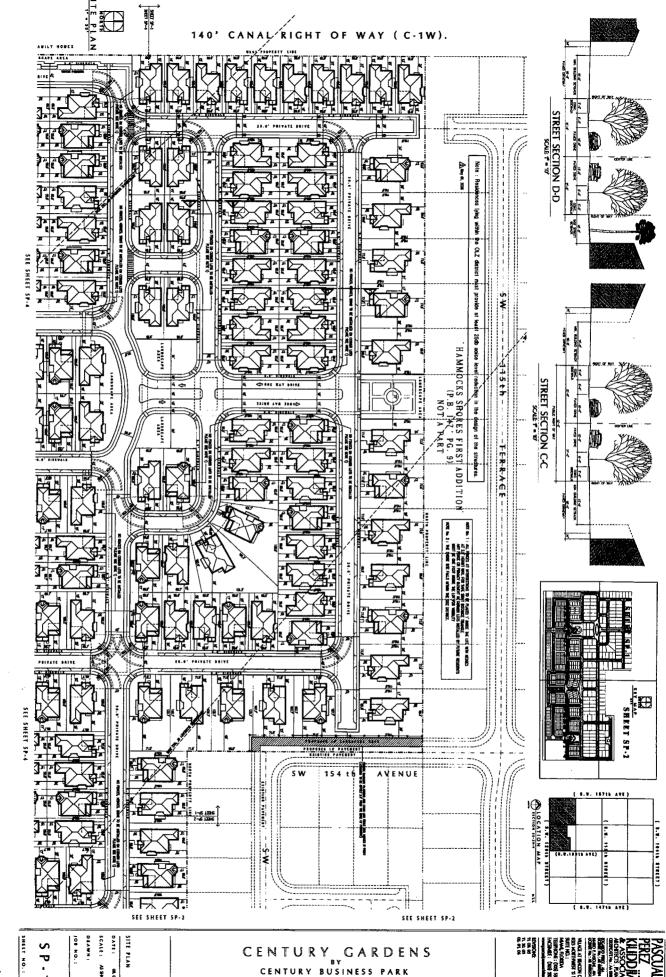


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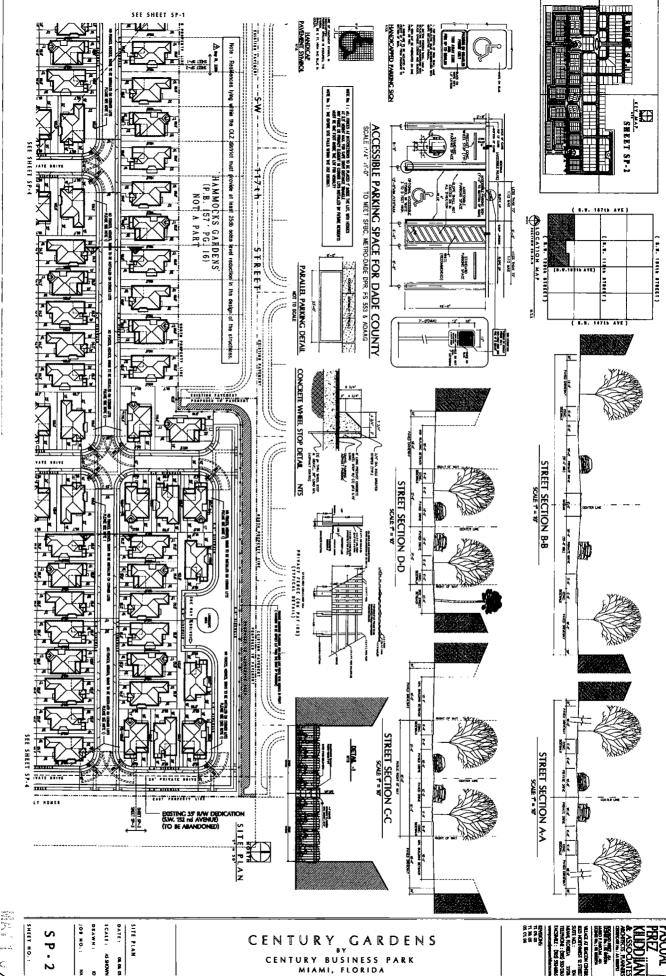
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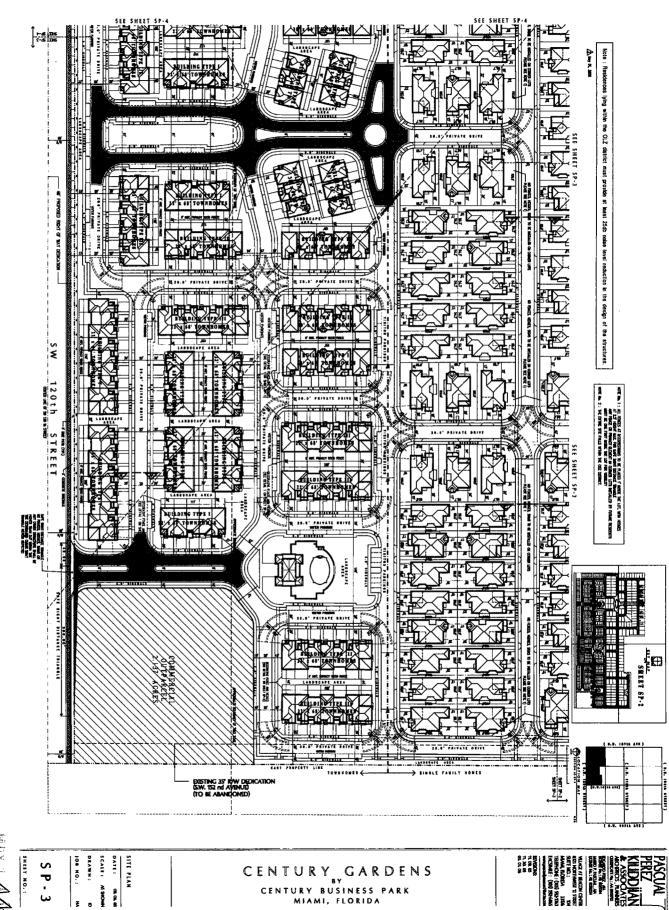
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CENTURY BUSINESS PARK MIAMI, FLORIDA



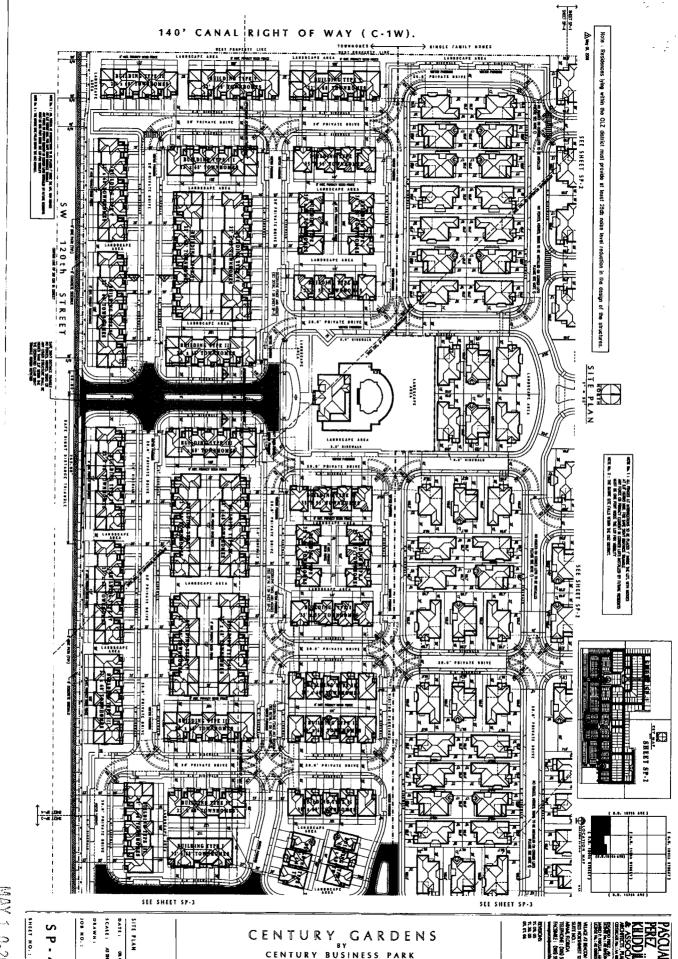




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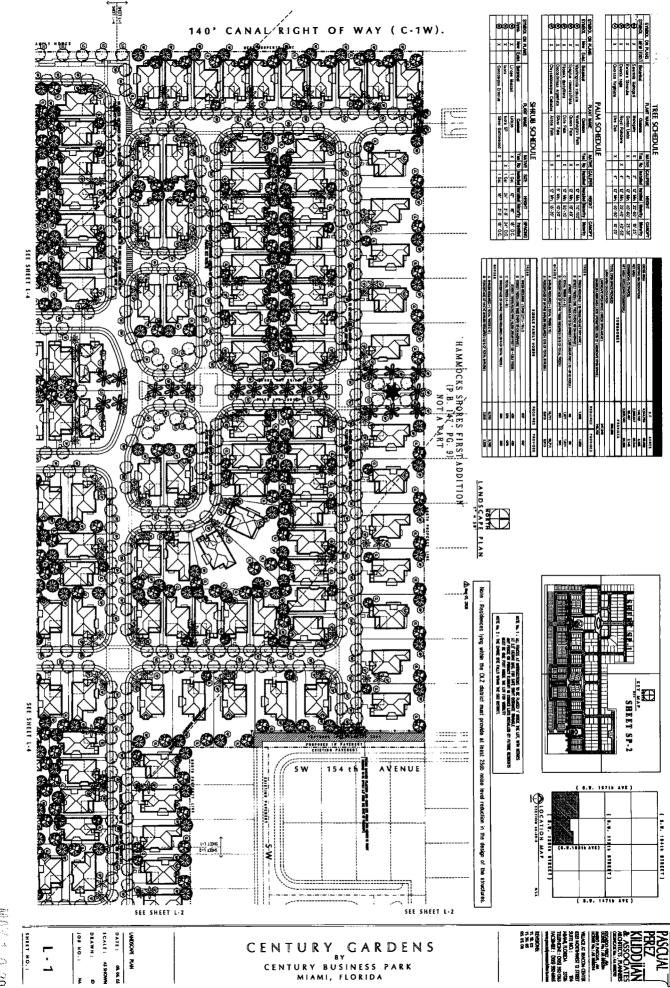
CENTURY GARDENS
CENTURY BUSINESS PARK
MIAMI, FLORIDA

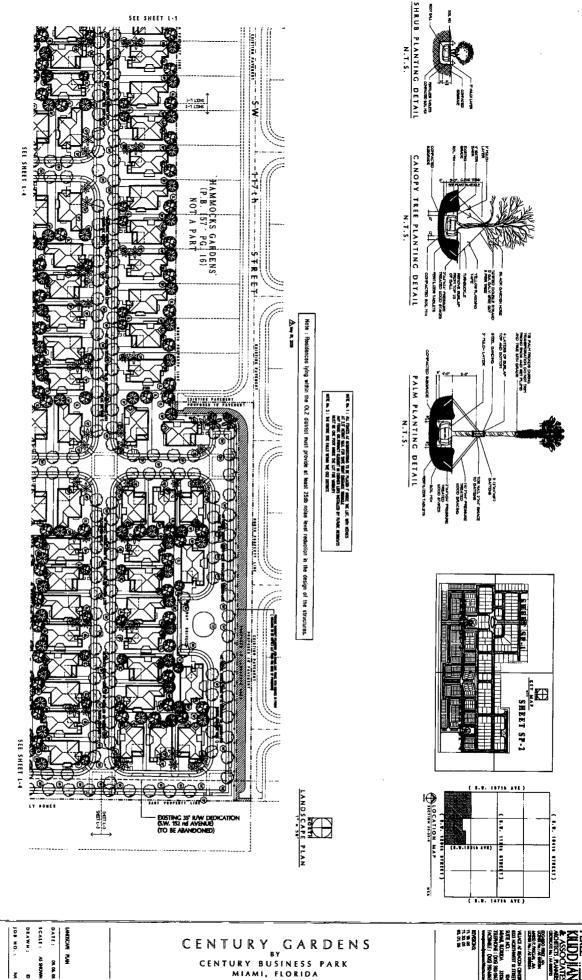




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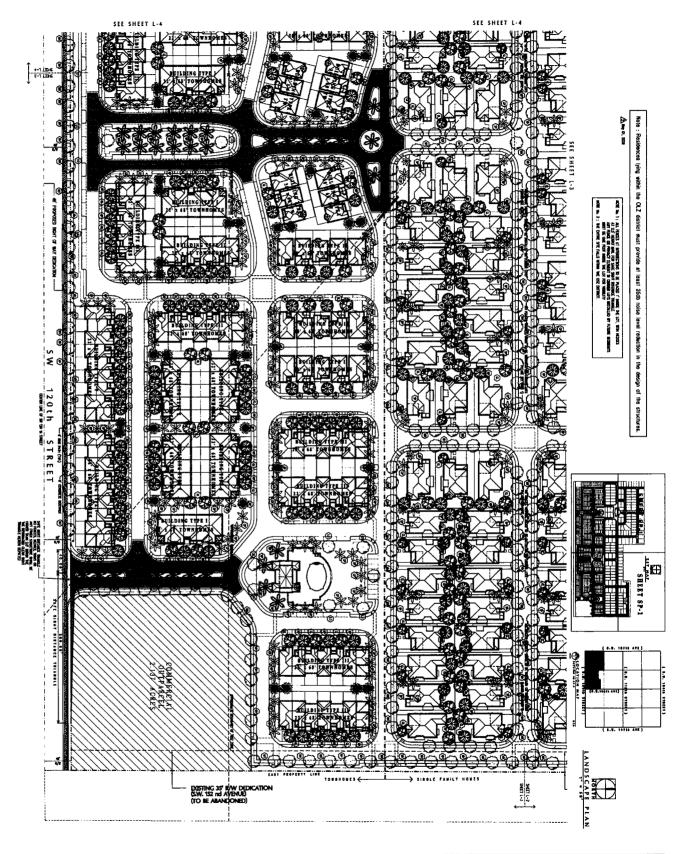
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CENTURY BUSINESS PARK

MIAMI, FLORIDA





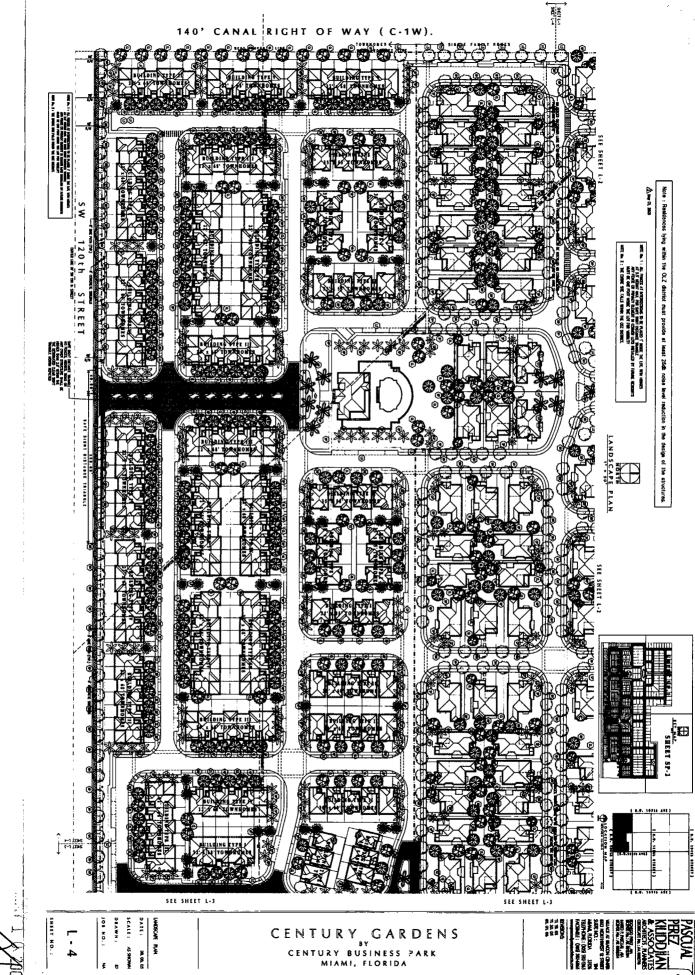
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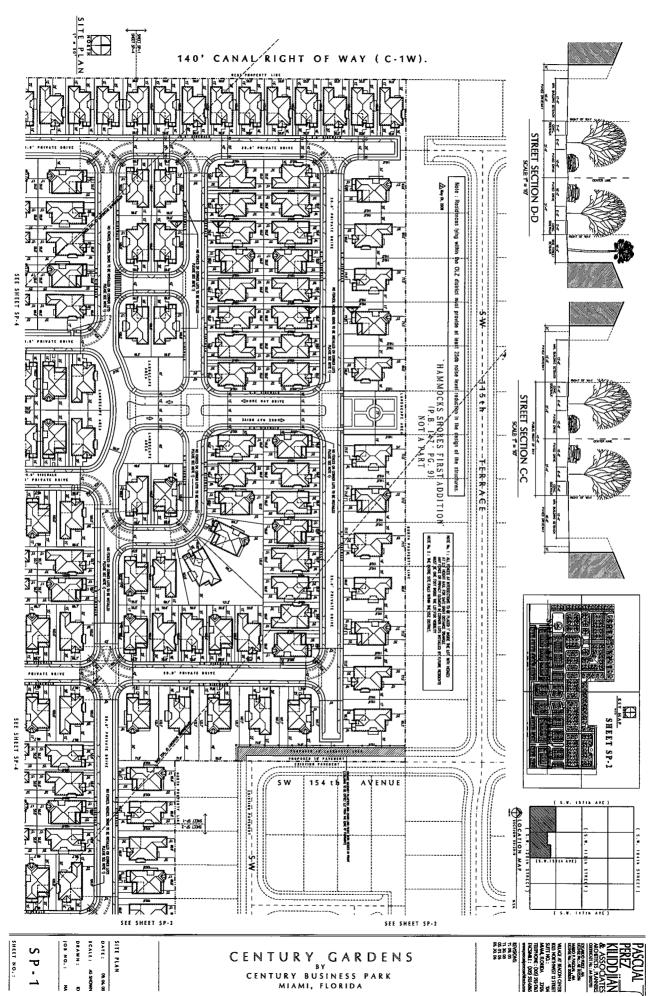
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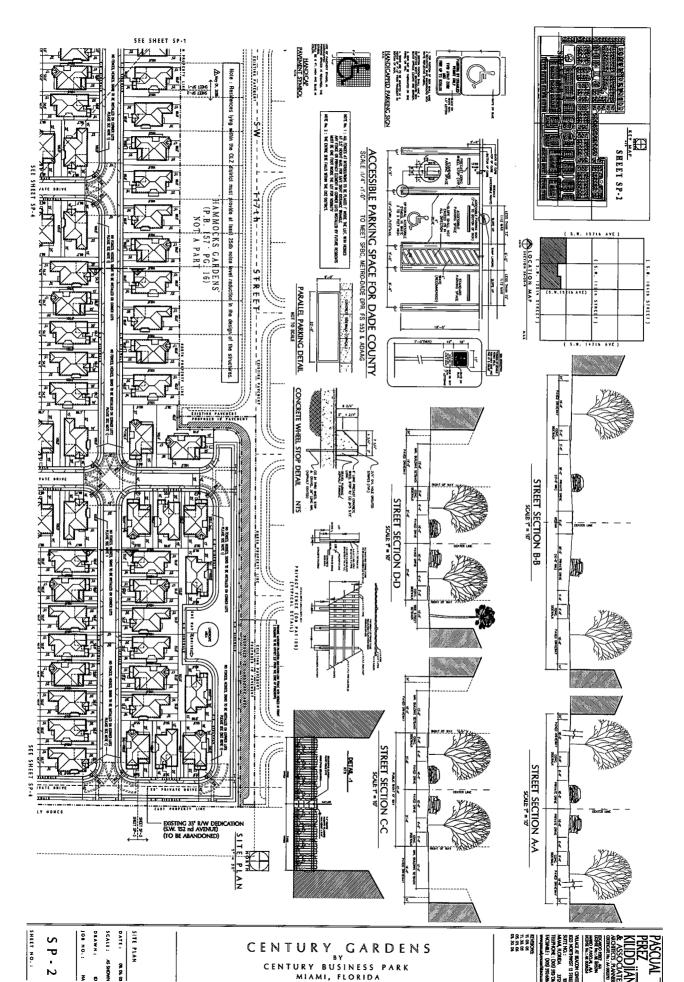
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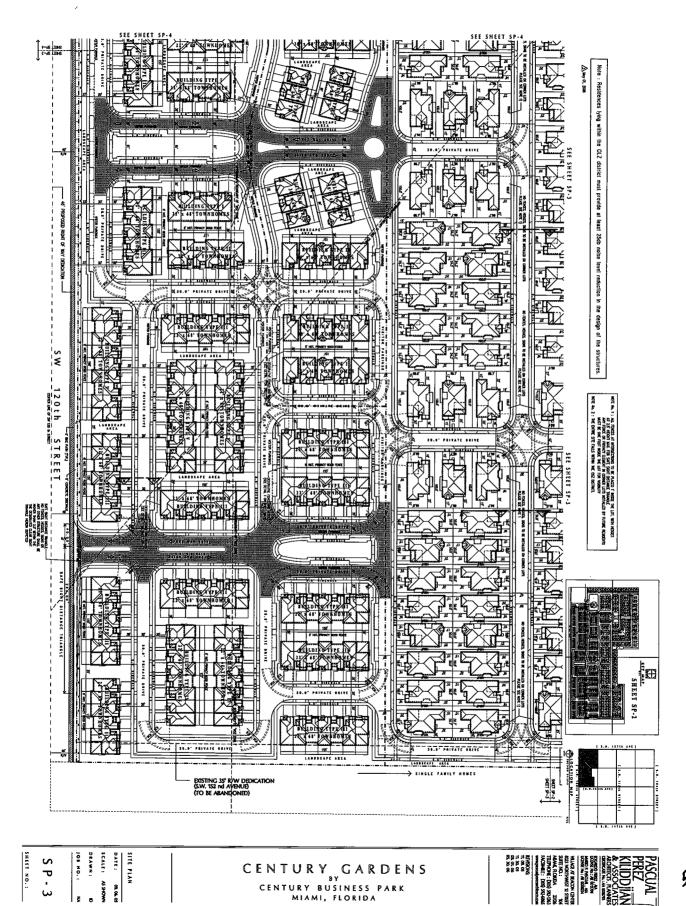
MIAMI, FLORIDA





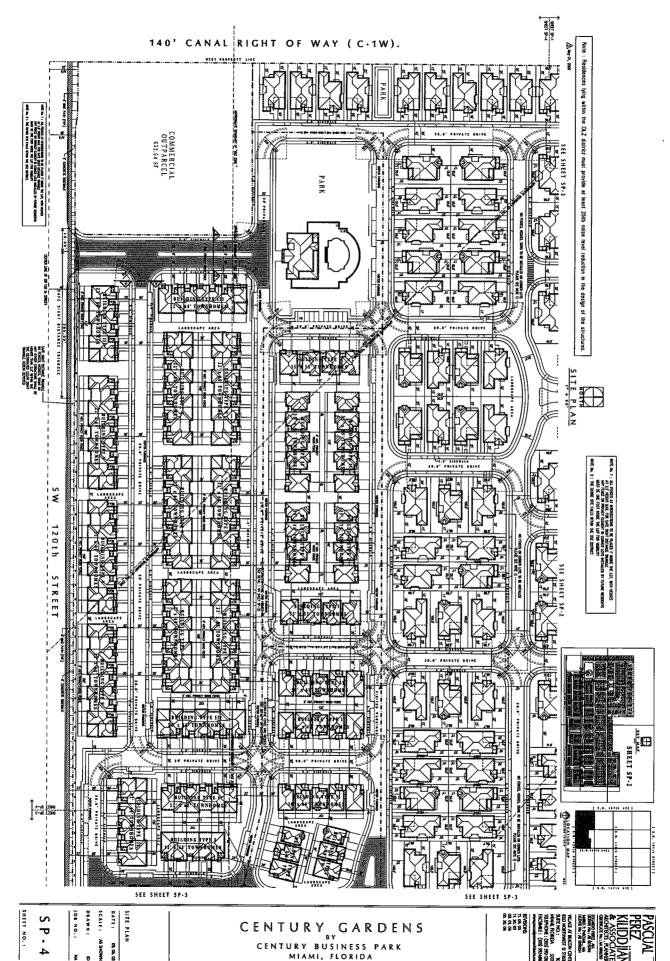
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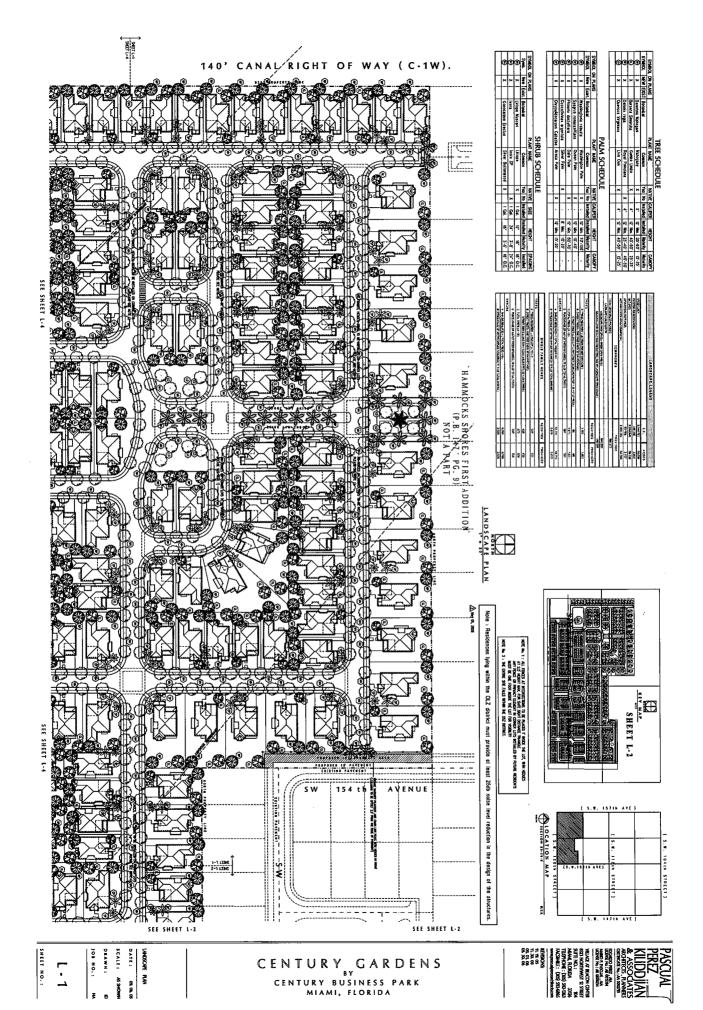


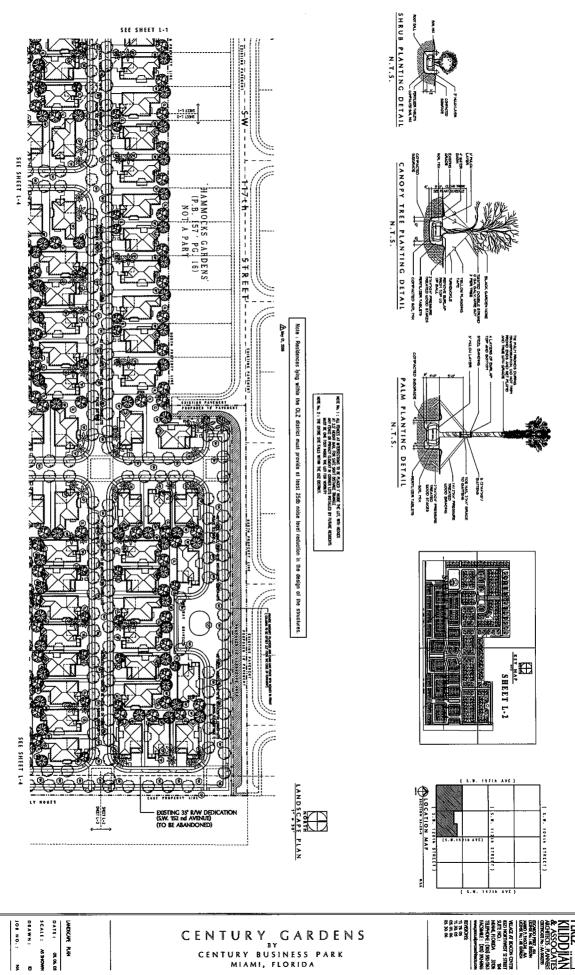


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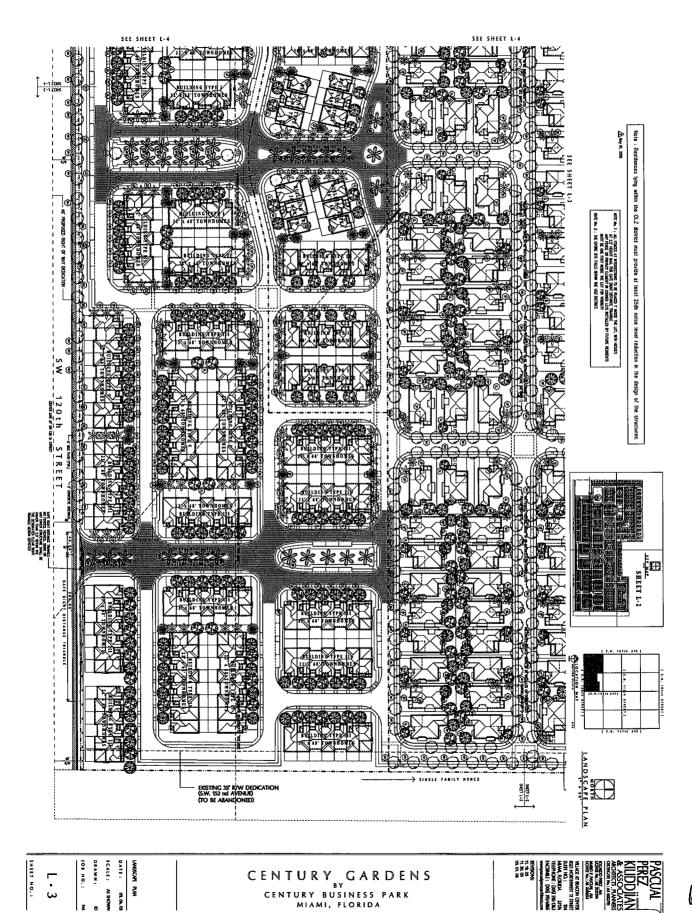
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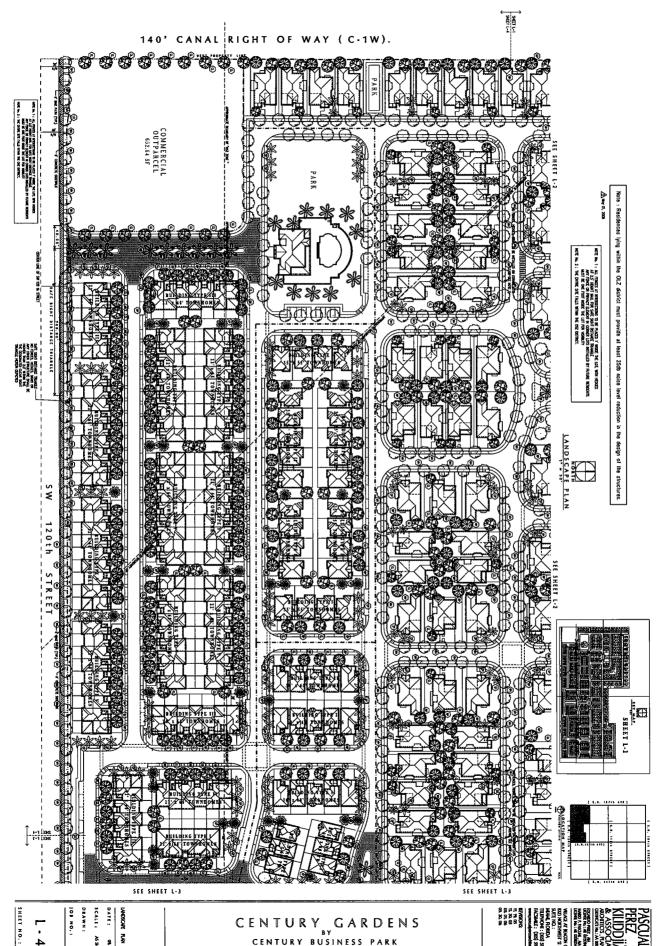
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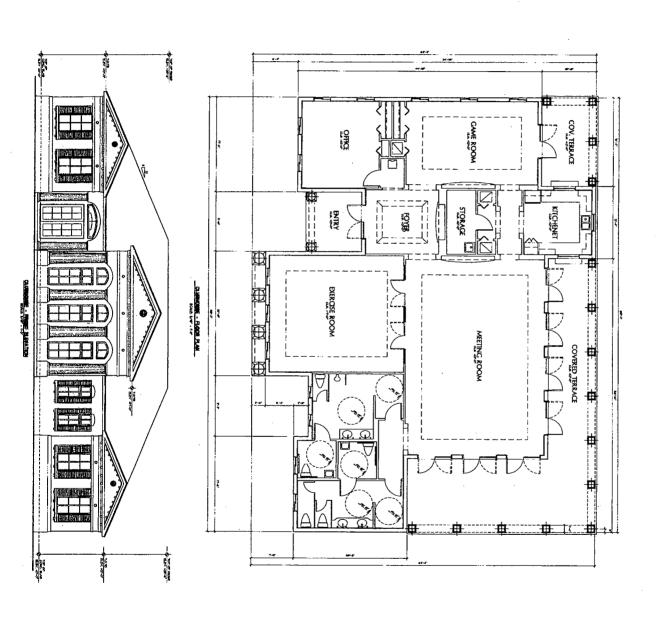
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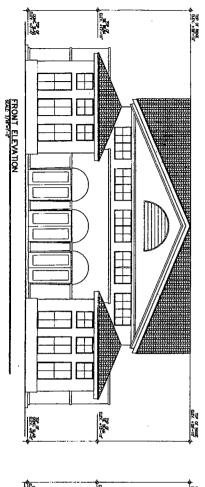
ANDSCARE PLAN

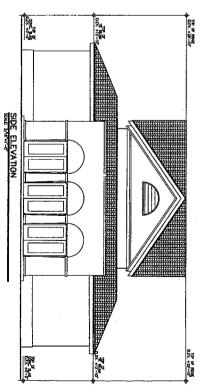
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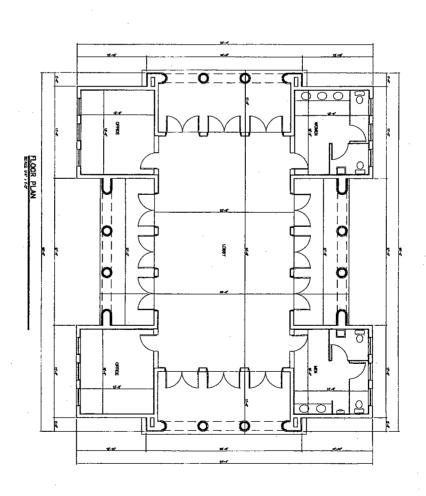


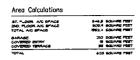


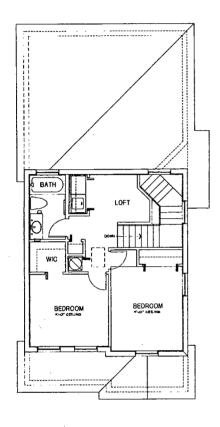


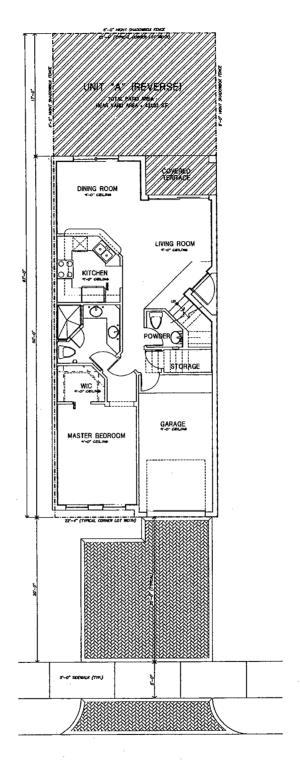
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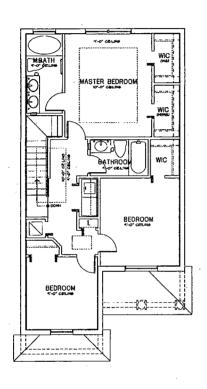


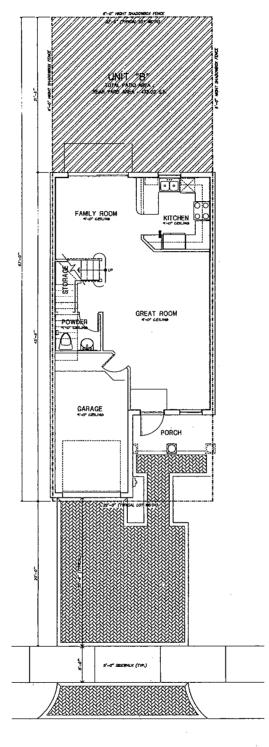
UNIT "A" - CORNER CONDITION

SECOND FLOOR PLAN

SCALE: 1/4" = 1"

UNIT "A" - CORNER CONDITION
FIRST FLOOR PLAN
SCALE: 1/4" = 1"





UNIT "B" - INTERIOR CONDITION

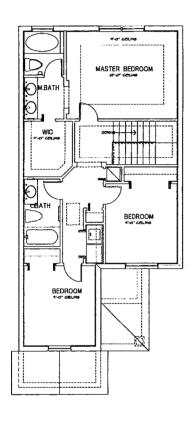
SECOND FLOOR PLAN

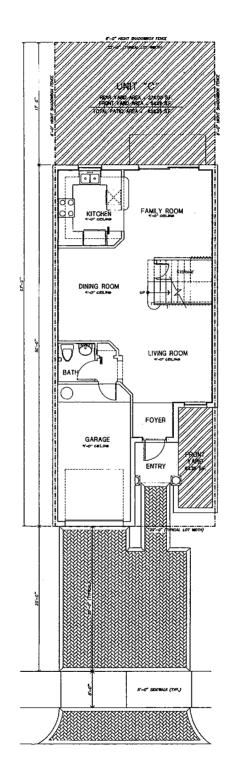
SCALE: 1/4" = 1"

UNIT "B" - INTERIOR CONDITION FIRST FLOOR PLAN SCALE : 1/4" = 1"



Area Calculations	
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UNIT "C" - INTERIOR CONDITION

SECOND FLOOR PLAN

SCALE: 1/4" = 1'

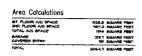
UNIT "C" - INTERIOR CONDITION
FIRST FLOOR PLAN
SCALE : 1/4" = '

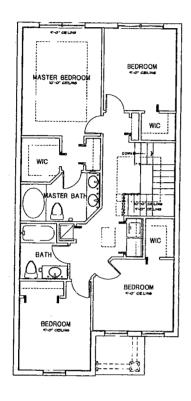


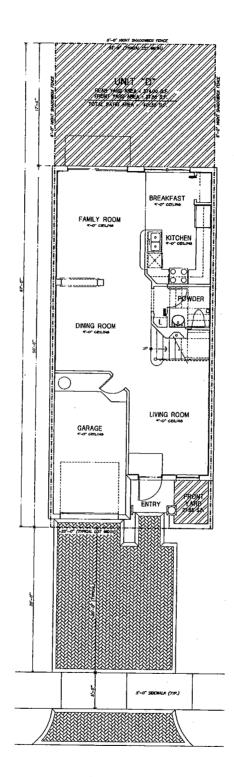
A-3











UNIT "D" - INTERIOR CONDITION SECOND FLOOR PLAN SCALE : 1/4" = 1'

UNIT "D" - INTERIOR CONDITION FIRST FLOOR PLAN SCALE : 1/4" = 1"



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22' TOWNHOMES - BUILDING TYPE VI (TYP. BLDG) - FIRST FLOOR PLAN

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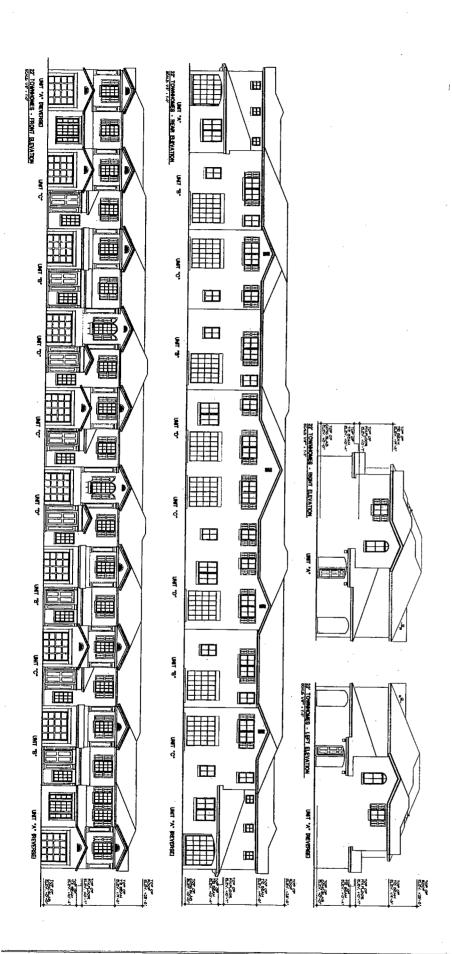
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CENTURY GARDENS

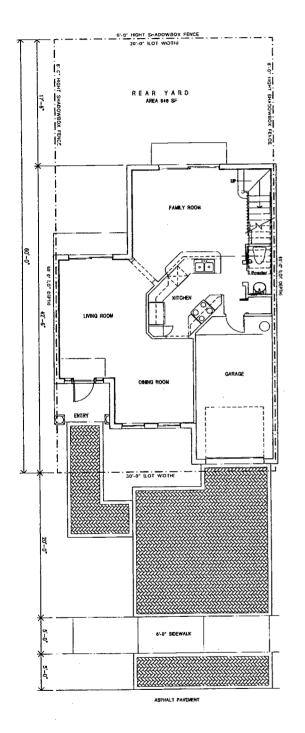
CENTURY BUSINESS PARK, LLC. MIAMI - DADE COUNTY, FLORIDA

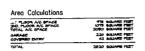


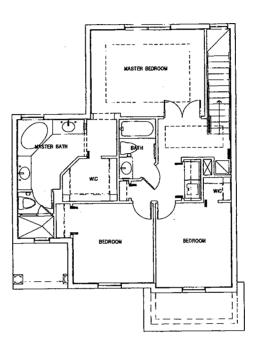
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ZZ TOWNHOMES BUILDING TYPE VI (TYP. BLDC)

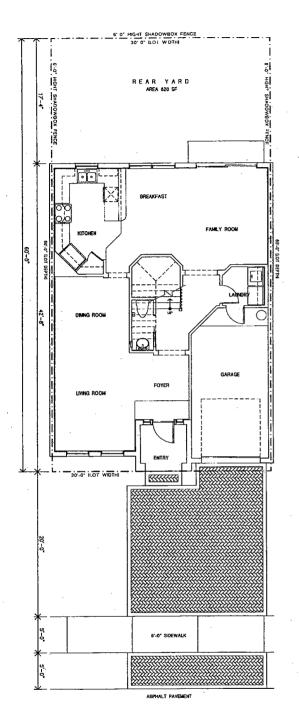


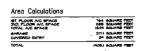


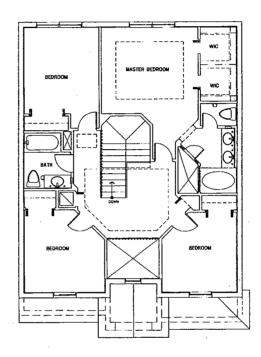


UNIT "A" - INTERIOR CONDITION
SECOND FLOOR PLAN
SCALE : 1/4" = 1'

UNIT "A" - INTERIOR CONDITION FIRST FLOOR PLAN SCALE : 1/4" = 1'

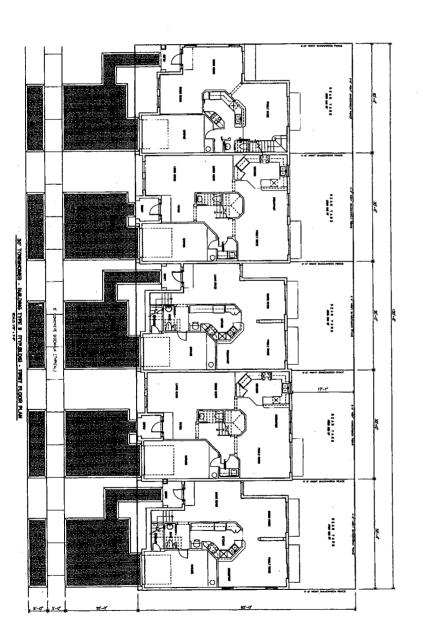




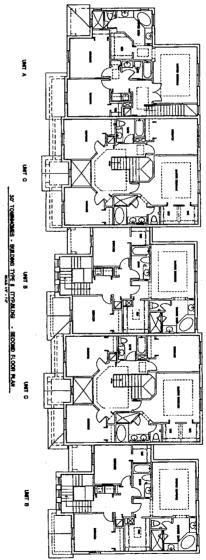


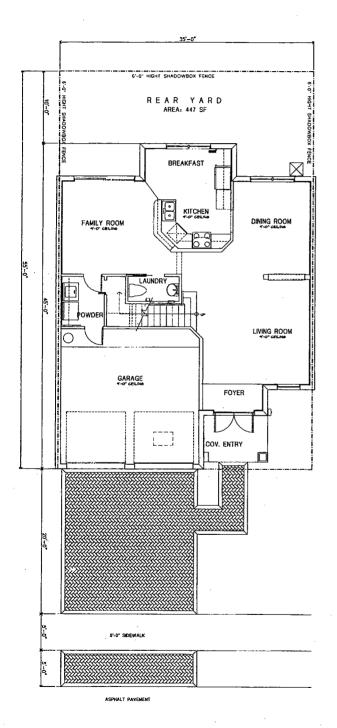
UNIT "C" - INTERIOR CONDITION SECOND FLOOR PLAN SCALE : 1/4" = 1'

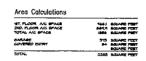
UNIT "C" - INTERIOR CONDITION FIRST FLOOR PLAN SCALE : 1/4" = 1'

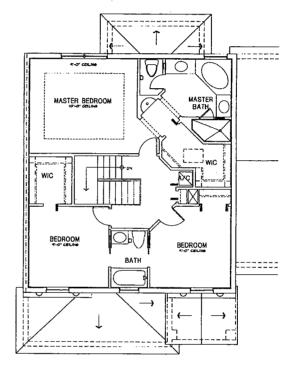


A-28







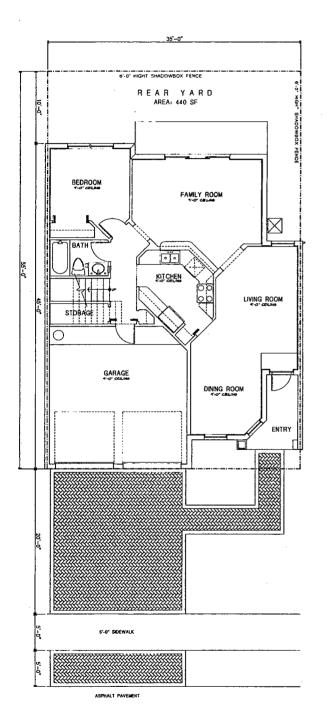


UNIT "A" INTERIOR CONDITION
FIRST FLOOR PLAN
SCALE: 1/4" = 1"

UNIT "A" INTERIOR CONDITION
SECOND FLOOR PLAN

SCALE: 1/4" = 1"

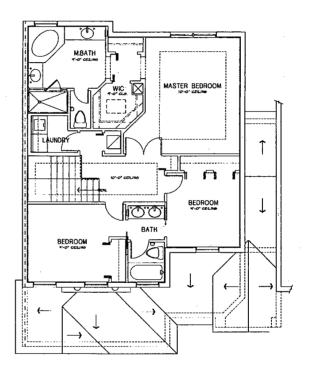




Area Calculations

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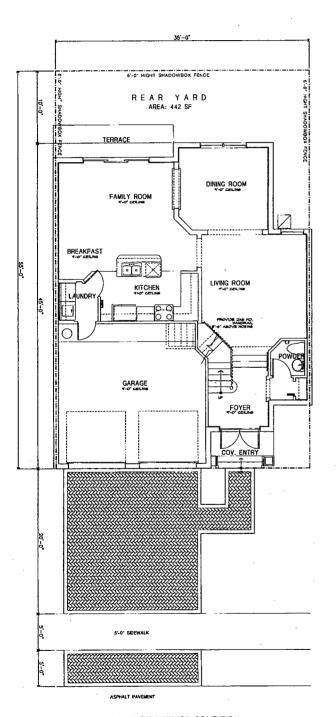
UNIT *B* INTERIOR CONDITION
FIRST FLOOR PLAN
SCALE: 1/4" = 1"

UNIT "B" INTERIOR CONDITION

SECOND FLOOR PLAN

SCALE: 1/4" = 1"



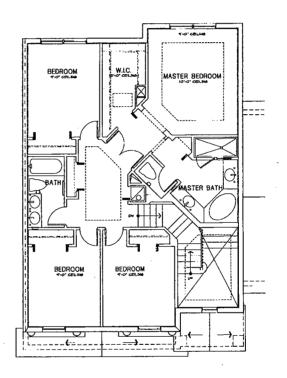


Area Calculations

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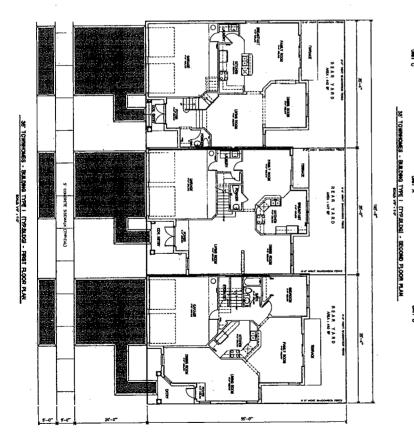


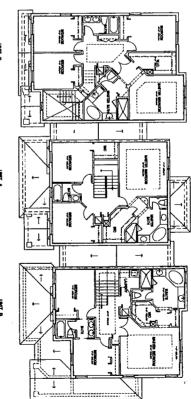
UNIT "C" INTERIOR CONDITION

SECOND FLOOR PLAN

SCALE: 1/4" = 1"

UNIT "C" INTERIOR CONDITION FIRST FLOOR PLAN SCALE: 1/4" = 1"



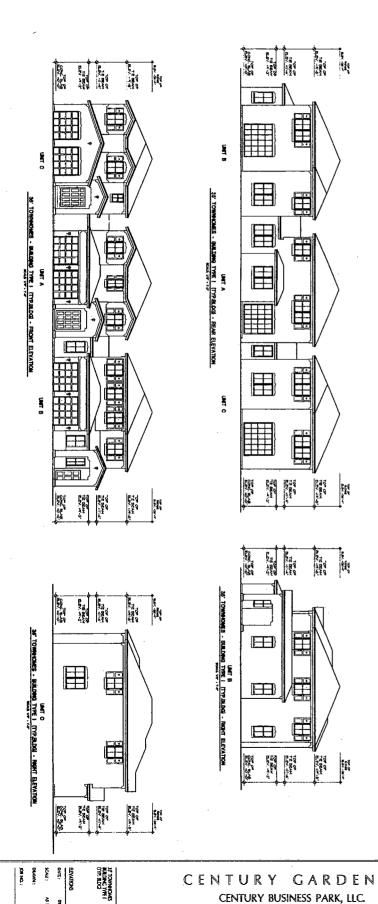




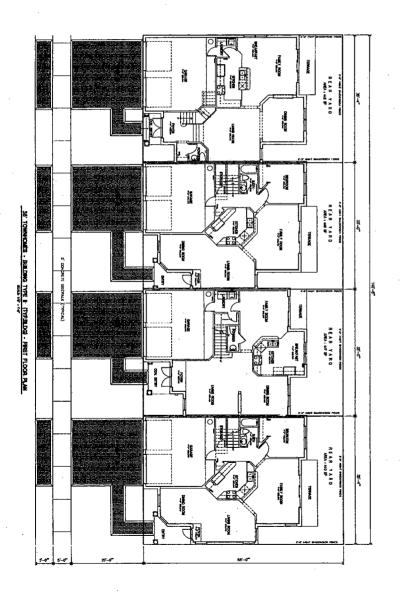
35 TOWNHOWS BUILDING TITE II (TITP: BLDG)

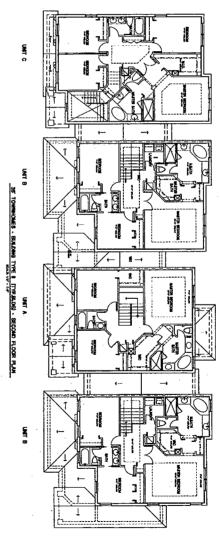


MIAMI - DADE COUNTY, FLORIDA

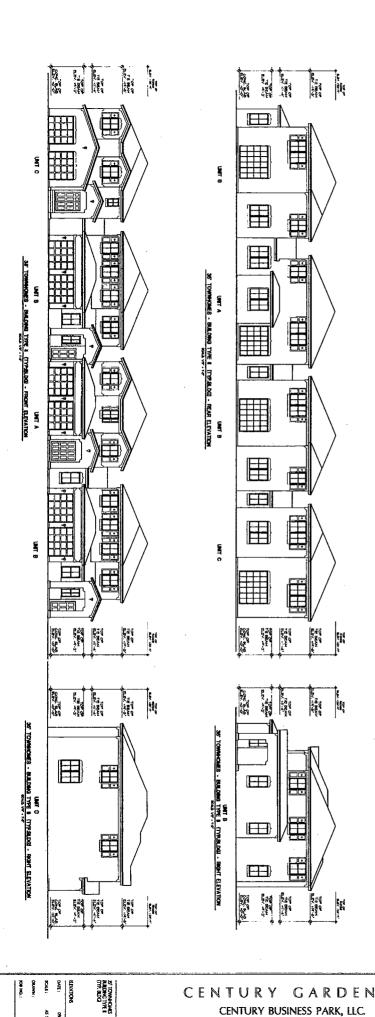


A-34

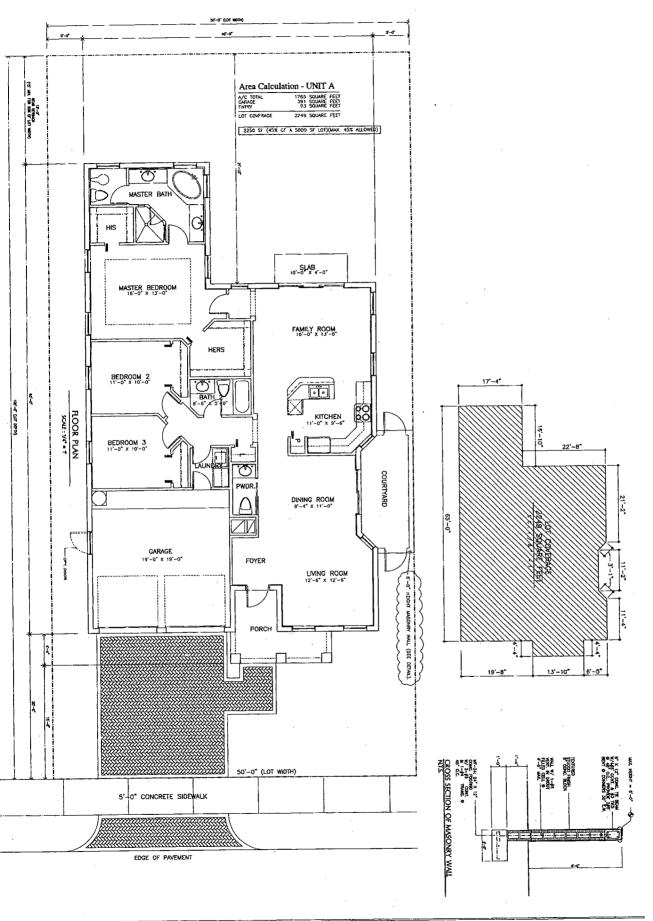


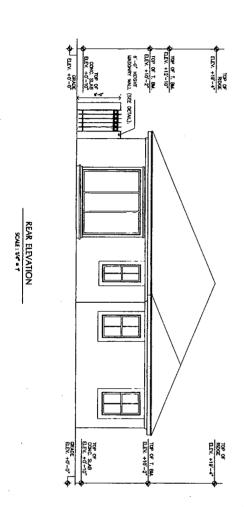


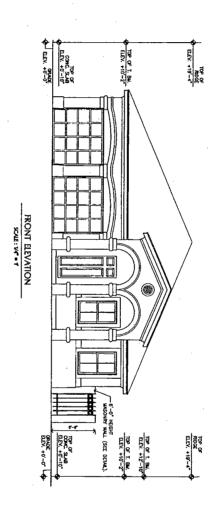
25 TOWNSHOMES BUILDING TYPE I [TYP, BLDG]



A-36

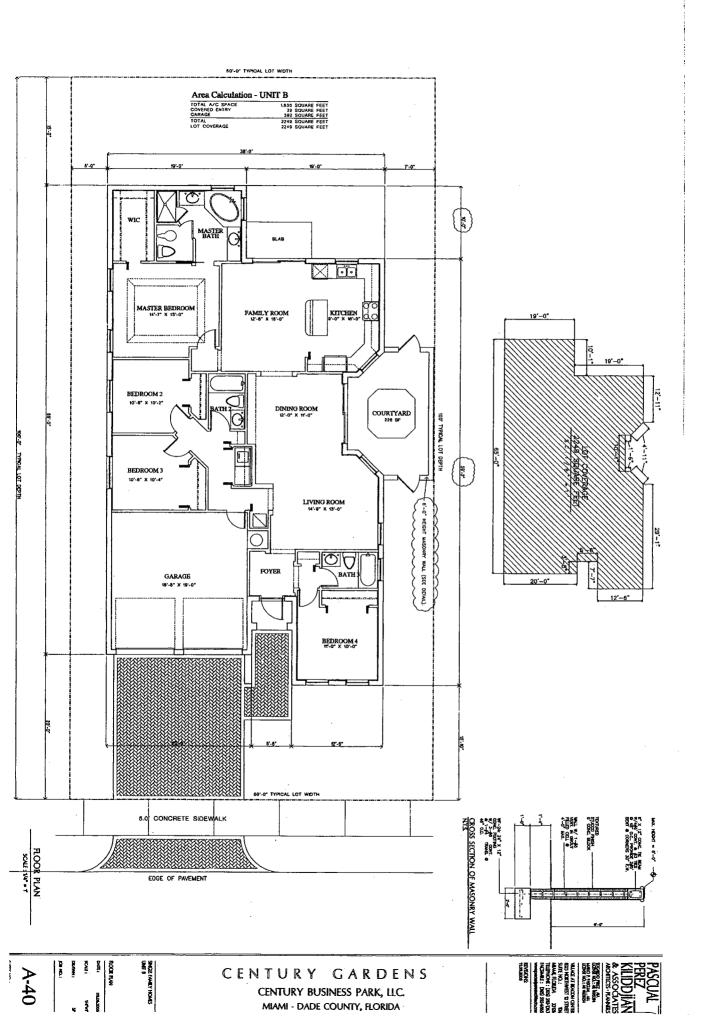


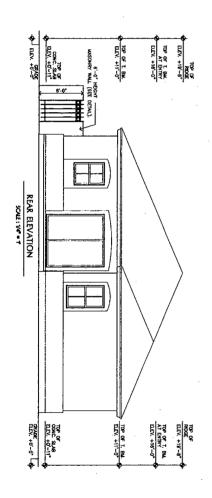


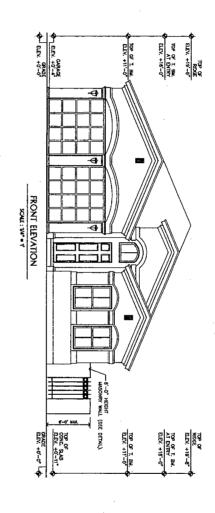


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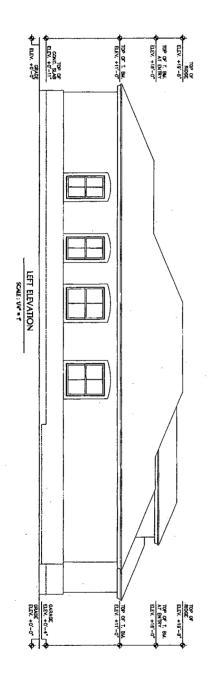


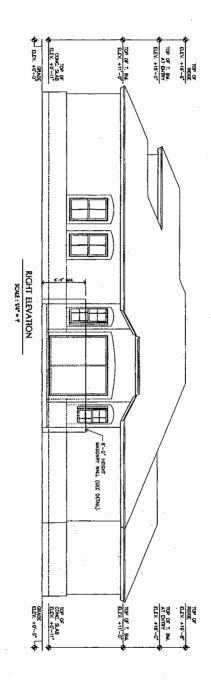




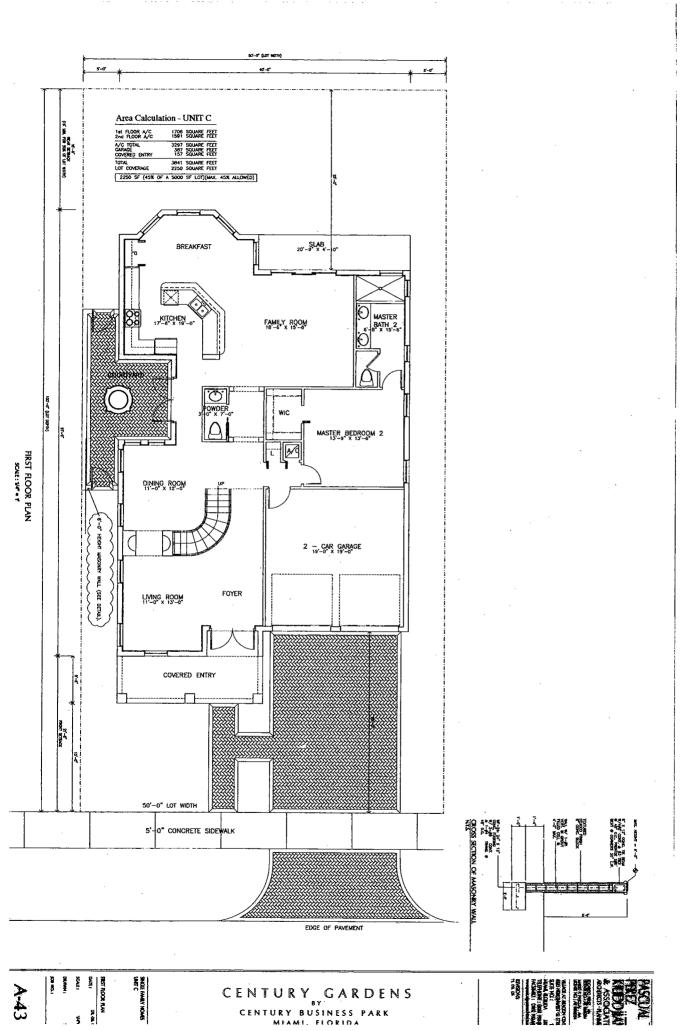
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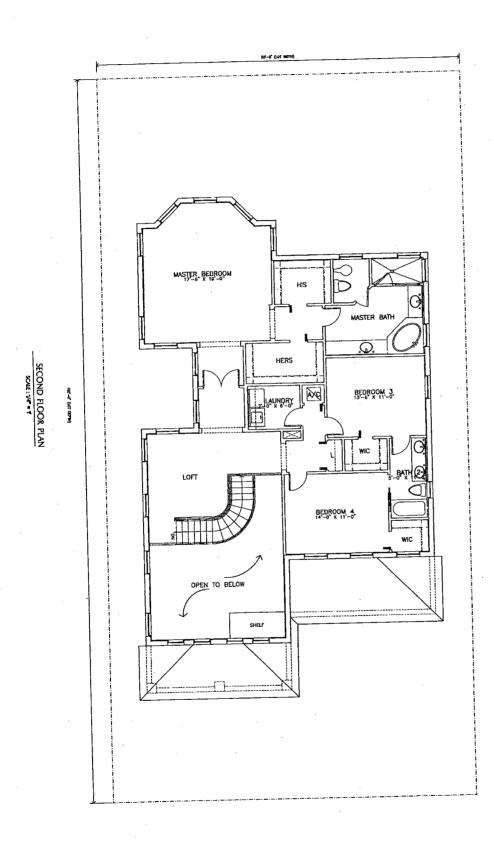
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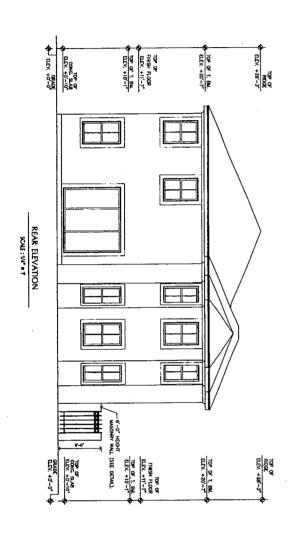
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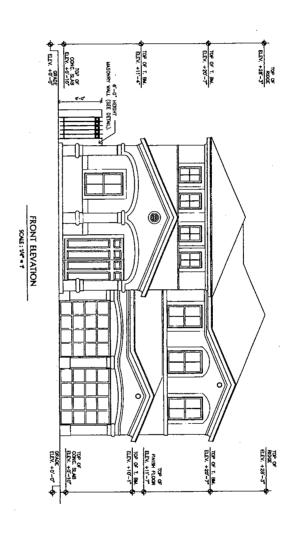
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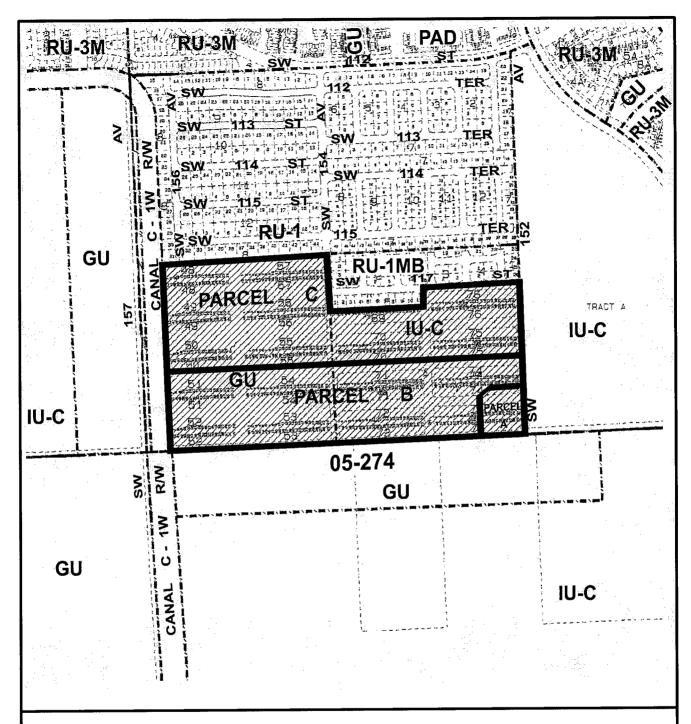
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A-45

SHOLE FAMILY HOMES





MIAMI-DADE COUNTY

HEARING MAP

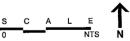
Section: 09 Township: 55 Range: 39

Process Number: 05-274

Applicant: CENTURY BUSINESS PARK

Zoning Board: C11
District Number: 11
Drafter ID: KEELING

Scale: 1:200'



SUBJECT PROPERTY





MIAMI-DADE COUNTY **AERIAL**

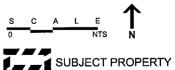
Section: 09 Township: 55 Range: 39

Process Number: 05-274

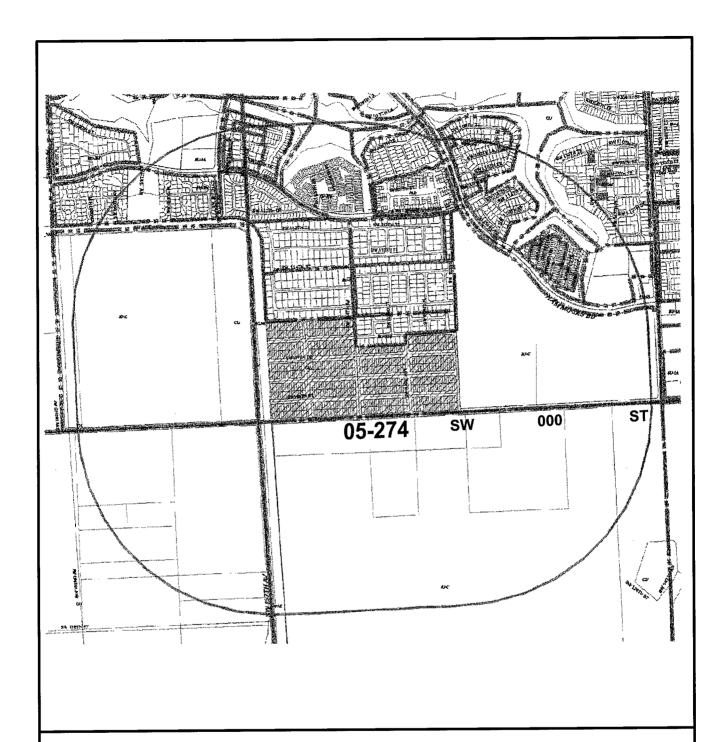
Applicant: CENTURY BUSINESS PARK

Zoning Board: C11
District Number: 11
Drafter ID: KEELING

Scale: NTS







MIAMI-DADE COUNTY

RADIUS MAP

Section: 09 Township: 55 Range: 39

Process Number: 05-274

Applicant: CENTURY BUSINESS PARK

Zoning Board: C11 District Number: 11 Drafter ID: KEELING

Scale: NTS





SUBJECT PROPERTY

Radius: 2640'



This instrument was prepared by:

Name: Address: Juan J. Mayol, Jr., Esq. Holland & Knight LLP

701 Brickell Avenue

Suite 3000

Miami, Florida 33131

Received by **Zoning Agenda Coordinator**

JUN 2 9 2006

CZAB-11 July 6,2006

Item#1 05-274

Century Business Park LLC

(Space Reserved for Clerk of the Court)

DECLARATION OF RESTRICTIONS

WHEREAS, the undersigned, CENTURY BUSINESS PARK, LLC, a Florida limited hability company (the "Owner"), holds the fee simple title to that certain parcel of land, which is legally described in Exhibit "A" to this Declaration (hereinafter the "Property");

NOW THEREFORE, in order to assure Miami-Dade County (the "County") that the representations made by the Owner during consideration of Public Hearing No. 05-274 (the "Application") will be abided by, the Owner freely, voluntarily and without duress, makes the following Declaration of Restrictions covering and running with the Property:

1. The Property shall be developed in substantial accordance with the plans entitled "Century Gardens," as prepared by Pascual, Perez & Kiliddjan, dated May 1, 2006, and dated stamped received May 2, 2006, and consisting of sixty five (65) sheets, as may be modified at the public hearing on the Application (the "Plan").

The Owner also agrees as follows:

- The height of any dwelling unit to be located on a lot along the northern boundary (a) of the Property, which abuts an existing one (1) story home, shall not exceed one (1) story in height.
- As depicted in the Plan, the Owner shall not seek to provide a vehicular connection to the established single family subdivision on the north side of the Property.

- (c) Prior to the issuance of a building permit for any dwelling unit within the Property, the Owner shall install a six foot high wooden fence along the side or rear property line of any lot that is adjacent to an existing single family home or existing street.
- (d) Every townhome within the Property shall be designed and constructed with a garage capable of accommodating at least one (1) automobile.
- 2. <u>Density Restriction</u>. The number of dwelling units on the Property shall not exceed five hundred and eight (508) units.
- 3. Noise Level Reduction. The Owner shall incorporate at least 25 decibel (db) Noise Level Reduction (NLR) into the design and construction of any dwelling with the Property.
- 4. Airport and County Protection From New Residential Development. The Owner reserves unto itself, its successors, and assigns, for the use and benefit of the public, a right of flight passage of aircraft in the airspace above the surface of the Property, together with the right to cause in said airspace such noise as may be inherent in the operation of aircraft, now known or hereafter used, for navigation of or flight in said airspace, and for use of said airspace for landing on, taking off from, or operating on the Kendall Tamiami Executive Airport ("KTEA").

The Owner expressly agrees for itself, its successors, and assigns to restrict the height of structures, objects of natural growth, and other obstructions on the Property to such a height so as to comply with Federal Aviation Regulations, Part 77.

The Owner expressly agrees for itself, its successors, and assigns, to prevent any use of the Property described herein that would interfere with or adversely affect the operation or maintenance of KTEA, or otherwise constitute an airport hazard.

5. Notice Requirements.

A. The Owner shall include the following notice (the "Notice") in every contract for the sale of any dwelling unit within the Property:

THIS PROPERTY IS LOCATED IN CLOSE PROXIMITY TO THE KENDALL TAMIAMI EXECUTIVE AIRPORT ("KTEA"). AS SUCH, THE PROPERTY AND THE FUTURE RESIDENTS MAY EXPERIENCE DIRECT OVERFLIGHTS AT LOW ALTITUDES CREATING NOISE DURING DAYTIME AND NIGHTTIME HOURS.

THE UNDERSIGNED, ON BEHALF OF ITSELF AND ITS SUCCESSORS, LESSEES AND/OR ASSIGNS, AGREES BY TAKING TITLE TO SAID PROPERTY, THAT THEY DO NOT OBJECT TO THE PRESENCE OF KTEA OR THE TWENTY-FOUR HOUR PER DAY OPERATION OF AIRCRAFT FROM ITS RUNWAYS AND HEREBY WAIVES ANY RIGHT TO OBJECT TO OR CHALLENGE IN ANY FORUM THE CURRENT OR FUTURE 24 HOUR PER DAY OPERATION OF THE AIRPORT AND ANY IMPROVEMENTS THERETO, INCLUDING, WITHOUT LIMITATION, THE FUTURE EXPANSION OF KTMB'S 9L/27R AND 9R/27L RUNWAYS.

IT IS FURTHER AGREED THAT THE UNDERSIGNED, ITS SUCCESSORS, LESSEES AND/OR ASSIGNS, WILL NEVER REQUEST, SUPPORT OR PARTICIPATE IN ANY EFFORT TO IMPOSE MANDATORY NOISE ABATEMENT PROCEDURES AT KTEA.

PURCHASER AGREES THAT THIS COVENANT IS ALSO BINDING UPON ALL FUTURE OWNERS, LESSEES AND RESIDENTS HERE AND FOREVER THEREAFTER AND THAT NOTIFICATION OF SUCH IS REQUIRED PRIOR TO THE SALE OR LEASE OF THE PROPERTY.

B. The Owner shall cause every prospective purchaser to acknowledge in writing receipt of the Notice, which acknowledgement may be included in the contract for sale and purchase for each dwelling unit or may be provided by separate instrument prior to or simultaneously with the execution of any such contract. The Notice shall also be prominently displayed in the sales office for the subdivision.

C. Prior to the approval of a final plat for the Property, the Owner shall record an instrument in the Public Records of Miami-Dade County, which instrument shall run with title to the Property and be binding on the Owner's successors and assigns and shall provide the following restrictions:

THE PROPERTY IS LOCATED IN CLOSE PROXIMITY TO THE KENDALL TAMIAMI EXECUTIVE AIRPORT ("KTEA"). AS SUCH, THE PROPERTY AND THE FUTURE RESIDENTS MAY EXPERIENCE DIRECT OVERFLIGHTS AT LOW ALTITUDES CREATING NOISE DURING DAYTIME AND NIGHTTIME HOURS. FURTHER, THE OWNER, ON BEHALF OF ITSELF AND ITS SUCCESSORS AND ASSIGNS, HEREBY WAIVES ANY OBJECTIONS TO ANY FUTURE EXPANSION OF KTEA'S 9L/27R AND 9R/27L RUNWAYS.

THE UNDERSIGNED, ON BEHALF OF ITSELF AND ITS SUCCESSORS, LESSEES AND/OR ASSIGNS, AGREES BY TAKING TITLE TO SAID PROPERTY, THAT THEY DO NOT OBJECT TO THE PRESENCE OF KTEA OR THE TWENTY-FOUR HOUR PER DAY OPERATION OF AIRCRAFT FROM ITS RUNWAYS AND HEREBY WAIVES ANY RIGHT TO OBJECT TO OR CHALLENGE IN ANY FORUM THE CURRENT OR FUTURE 24 HOUR PER DAY OPERATION OF THE AIRPORT AND ANY IMPROVEMENTS THERETO, INCLUDING, WITHOUT LIMITATION, THE FUTURE EXPANSION OF KTMB'S 9L/27R AND 9R/27L RUNWAYS.

IT IS FURTHER AGREED THAT THE UNDERSIGNED, ITS SUCCESSORS, LESSEES AND/OR ASSIGNS, WILL NEVER REQUEST, SUPPORT OR PARTICIPATE IN ANY EFFORT TO IMPOSE MANDATORY NOISE ABATEMENT PROCEDURES AT KTEA.

PURCHASER AGREES THAT THIS COVENANT IS ALSO BINDING UPON ALL FUTURE OWNERS, LESSEES AND RESIDENTS HERE AND FOREVER THEREAFTER AND THAT NOTIFICATION OF SUCH IS REQUIRED PRIOR TO THE SALE OR LEASE OF THE PROPERTY.

- 6. Restrictions for Commercial Parcel. Notwithstanding the approval of the Application, and subject to all applicable Code requirements, the Owner agrees to limit the use of that certain parcel of land depicted on the Plan as the "Commercial Out Parcel" to those uses listed below:
 - Apparel stores
 - Automobile tires, batteries, and accessories (new) retail only, installation permitted.
 - Automobile washing
 - Bakeries, retail only
 - Banks, including drive-in teller service
 - Barber shops
 - Beauty parlors
 - Cellular phones and accessories sales
 - Computers and accessories sales
 - Confectionery, ice cream, and dairy stores
 - Dairy stores
 - Day Care
 - Drugstores with photo and retail sales
 - Dry cleaning establishments, using nonflammable solvents in self-contained dry cleaning units of the Prosperity type or Dedrick type or an equal approved by the Director, provided such establishments contain not more than four thousand (4,000) square feet of floor area.
 - Employment agencies
 - Restaurants
 - Florist shops
 - Gasoline station with mini-mart & car wash
 - Grocery stores, fruit stores, health food stores, delicatessen, meat and fish markets, and other similar food stores
 - Hardware stores
 - Health and exercise club

- Interior design shops
- Jewelry stores, including incidental sales and purchases of used jewelry
- Mail order offices, without storage or products sold
- Newsstands
- Offices
- Office supplies and equipment sales
- Optical stores
- Outdoor sitting area for restaurants
- Outside walk-up window service in connection with establishments where the principal use is selling food and drink products, and where a sidewalk of at least seven (7) feet in width abuts the store unit concerned.
- Post office stations and branches operated by postal service employees or agents that directly serve the public
- Printing and copy services and supplies
- Restaurants and coffee housing dining rooms with outdoor seating where kitchen is screened or located altogether within an enclosed building or room and with ample provision for carrying away or dissipating fumes, odors, smoke, or noise and where premises are so arranged and the business is so conducted as not to be offensive or obnoxious to occupants of adjoining premises or to passerby. Restaurants and outdoor (where approved by public hearing) cafes may serve alcoholic beverages where such service is strictly incidental to the service of food and from service bar only provided no entertainment of any kind is furnished. No sign of any type or character shall be exhibited or displayed to the outside denoting that alcoholic beverages are obtainable within.
- Self-service post office, which contains mechanical or computer equipment designed to provide limited service post office for walk up trade.
- Shoe stores and shoe repair shops
- Tailor shops
- Variety stores



Further, in consideration of the proximity of the Property to a residential neighborhood, any building that may be developed on the Commercial Out Parcel shall be designed and maintained in a manner that is compatible with the surrounding residential community. At a minimum, any such building shall have a barrel tile roof and shall be painted in a color or colors that are in harmony with the prevailing colors in the area at the time of the construction of the building. The site plan for the Commercial Out Parcel shall be submitted to the Department of Planning and Zoning for administrative site plan review approval, and the development of the parcel shall be in substantial accordance with the approved plan.

- 120th Street and SW 157th Avenue. Prior to the final zoning inspection for any dwelling unit on the Property, the Owner agrees to improve those portions of SW 120th Street and SW 157th Avenue along the entire frontage of the Property. Said roadway improvements shall be approved and constructed in accordance with the requirements of the Public Works Department. In addition, the Owner agrees not to seek a final zoning inspection for more than fifty percent (50%) of the dwelling units within the Property until such time as SW 157th Avenue is open to traffic from SW 112th Street to SW 120th Street.
- 8. <u>Intersection Improvements at SW 120th Street and SW 137th Avenue.</u> Prior to the final zoning inspection for the dwelling unit representing fifty percent (50%) of the dwelling units within the Property, subject to the conditions enumerated below, the Owner shall design and, following approval of said design, cause the improvement of the intersection of SW 120th Street and SW 157th Avenue by the addition of a dedicated right turn lane (eastbound to southbound). The Owner's obligations under this Paragraph are specifically subject to, and contingent on, the following: (i) the availability of right-of-way or necessary easements; (ii) acceptance by the Public Works

Department of a traffic study (if requested by the Department) which establishes the need for such a turn lane; (iii) the receipt of all necessary governmental approvals; and (iv) the receipt of the approval of the Director of the County's Public Works Department of a credit against the roadway impact fees that will be assessed against the future development of the Property in the amount of the cost of the design and construction of the improvements.

- 9. Landscaping Improvements. Prior to the issuance of a building permit for any improvement within the Property, but subject to the receipt of prior written approval of all necessary governmental approvals, the Owner shall cause the installation of trees (live oaks, mahogany or such other species as may be approved by Miami-Dade County), within the southern swale of Hammocks Boulevard, from SW ____ Avenue to SW ____ Avenue. Said trees shall be planted at a distance of twenty-five feet (25') on center, or at such distance as may be approved by Miami-Dade County, and at a minimum height of 12 -16 feet.
- 10. <u>Creation of Homeowners Association</u>. Prior to the final zoning inspection for any dwelling unit within the Property, the Owner shall create a homeowner's association, which shall be responsible (along with any special taxing district or community development district that may be created) for the maintenance of all common areas within the Property. The homeowner's association shall adopt by-laws, rules and regulations substantially in the form of the document which is attached hereto as Exhibit B.
- 11. <u>Compliance with DIC Report</u>. The Owner shall comply with all of the applicable conditions, requirements, recommendations, requests and other provisions of the various departments, as contained in the Departmental memoranda, which are part of the record of this application and incorporated herein by reference.

12. Miscellaneous.

- A. <u>County Inspection</u>. As further part of this Declaration, it is hereby understood and agreed that any official inspector of the County, or its agents duly authorized, may have the privilege at any time during normal working hours of entering and inspecting the use of the premises to determine whether or not the requirements of the building and zoning regulations and the conditions herein agreed to are being complied with.
- B. Covenant Running with the Land. This Declaration on the part of the Owner shall constitute a covenant running with the land and may be recorded, at the Owner's expense, in the Public Records of Miami-Dade County, Florida, and shall remain in full force and effect and be binding upon the undersigned Owner, its heirs, successors and assigns until such time as the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, all present and future owners of the real property and for the public welfare.
- C. <u>Term</u>. This Declaration is to run with the land and shall be binding on all parties and all persons claiming under it for a period of thirty (30) years from the date that this Declaration is recorded, after which time it shall be extended automatically for successive periods of ten (10) years each, unless an instrument signed by the, then, owner(s) of the Property has been recorded agreeing to change the covenant in whole, or in part, provided that the Declaration has first been modified or released by Miami-Dade County.
- **D.** <u>Modification, Amendment, Release</u>. This Declaration of Restrictions may be modified, amended or released as to the land herein described, or any portion thereof, by a written instrument executed by the, then, owner(s) of such portion of the Property that is covered under such modification, amendment or release, including joinders of all mortgagees, if any,

provided that the same is also approved by the Board of County Commissioners or Community Zoning Appeals Board of Miami-Dade County, Florida, or other procedure permitted under the Miami-Dade County Code, whichever by law has jurisdiction over such matters, after public hearing, if required; Provided, further, that any modification or amendment that seeks to increase the number of units on the Property shall require the prior written consent of one hundred percent (100%) of the owners of any lots that are adjacent to the Property along the north property line.

Should this Declaration of Restrictions be so modified, amended or released, the Director of the Miami-Dade County Department of Planning and Zoning, or the executive officer of the successor of such Department, or in the absence of such director or executive officer by his assistant in charge of the office in his absence, shall forthwith execute a written instrument effectuating and acknowledging such modification, amendment or release.

- Enforcement. Enforcement shall be by action against any parties or person violating, or attempting to violate, any covenants. The prevailing party in any action or suit pertaining to or arising out of this Declaration shall be entitled to recover, in addition to costs and disbursements allowed by law, such sum as the Court may adjudge to be reasonable for the services of his attorney. This enforcement provision shall be in addition to any other remedies available at law, in equity or both.
- F. <u>Authorization for Miami-Dade County to Withhold Permits and Inspections</u>.

 In the event the terms of this Declaration are not being complied with, in addition to any other remedies available, the County is hereby authorized to withhold any further permits, and refuse to make any inspections or grant any approvals, until such time as this Declaration is complied with.

- G. <u>Election of Remedies</u>. All rights, remedies and privileges granted herein shall be deemed to be cumulative and the exercise of any one or more shall neither be deemed to constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such other additional rights, remedies or privileges.
- H. Presumption of Compliance. Where construction has occurred on the Property, or any portion thereof, pursuant to a lawful permit issued by the County, and inspections made and approval of occupancy given by the County, then such construction, inspection and approval shall create a rebuttable presumption that the buildings or structures thus constructed comply with the intent and spirit of this Declaration.
- Severability. Invalidation of any one of these covenants, by judgment of Court, shall not affect any of the other provisions which shall remain in full force and effect.
- Miami-Dade County, Florida, at the cost to the Owner, following the adoption by the Miami-Dade County Board of County Commissioners or Community Zoning Appeals Board of a resolution approving the Application.

[Signature Pages Follow]

IN WITNESS WHEREOF, we have h	nereunto set our hands and seal this day of
, 2005.	
WITNESSES: Signature	CENTURY BUSINESS PARK, LLC, a Florida limited liability company
Print Name	By: Signature
Signature	Print Name/Title
Print Name	Address:
STATE OF FLORIDA) OUNTY OF MIAMI-DADE)	
2005 hv	cknowledged before me this day of on behalf of Century
Business Park, LLC, who is person	onally known to me or has produced fication, and acknowledged that they did execute
this instrument freely and voluntarily for the p	
My Commission Expires:	Notary Public, State of
Received by Zoning Agenda Coordinator	Print Name
JUN 2 9 2006	

EXHIBIT "A"

LEGAL DESCRIPTION OF APPLICATION PROPERTY

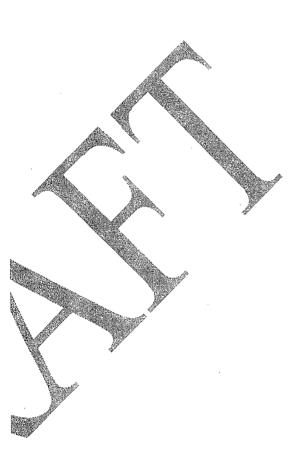
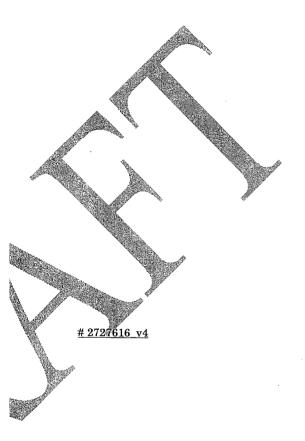


EXHIBIT "B"

Association By-Laws, Rules and Regulations



Received by Zoning Agenda Coordinator JUN 2 9 2006